

# LaborFamilyNEWS

PARTNERING WITH UNIONS TO PUT FAMILIES *first*

WINTER 2011

## In this issue:



- **Unions and Workplace Flexibility**
- **New Protections for Breastfeeding mothers**
- **New Paid Family Leave Guide**

## UNIONS WIN IT!

**WHAT:** Paid Time Off for Marriage

**WHERE:** New Jersey

**WHO:** American Federation of State, County and Municipal Employees (AFSCME), Local 956 and Princeton University

Princeton University employees represented by AFSCME Local 956 are eligible to take time off with pay for the last working day prior to the day of their marriage, the day of marriage, or the first day after the marriage.

**WHAT:** Graduation Leave

**WHERE:** Massachusetts

**WHO:** Lynn Teachers Union (LTU)/American Federation of Teachers (AFT) Local 1037 & Lynn School Committee

A paraprofessional represented by the Lynn Teachers Union, AFT Local 1037, can take paid leave for one day to attend commencement exercises at which he/she will be awarded a degree or diploma. Paraprofessionals can also take a day of paid leave to attend the commencement ceremony of an immediate member of their

# PAID FAMILY LEAVE

## Benefits Business and Workers

BY JENYA CASSIDY

When California became the first state to pass paid family leave legislation in 2002, the Chamber of Commerce called the new law a 'job killer,' claiming that it would be disastrous for business. "The truth is, it has been a non-event for business," says Ruth Milkman the co-author of a newly-released study, *Leaves That Pay: Employer and Worker Experiences with Paid Family Leave in California* (Eileen Appelbaum & Ruth Milkman, 2011). The California Paid Family Leave (PFL) program provides up to 6 weeks of partial wage replacement for workers who take time off to bond with a new child or care for a seriously ill family member. Milkman and Appelbaum's report reveals that early claims that paid leave would impose extensive new costs on employers and involve a particularly serious burden for small businesses were unfounded. In fact, most employers reported that it had no impact and small businesses were even less likely than large businesses to report any negative effects.

### PFL BENEFITS SMALL BUSINESSES

Employers like Rohana Stone Rice of Galaxy Desserts in Richmond, California see Paid Family Leave as a boon to their business. "Many of our production, management and even sales staff have used Paid Family Leave primarily to extend bonding time with new babies," she says. "We feel it's the right thing to do and it is in keeping with our core values. The employees are happier when they see that management cares about them and their families. We receive a lot of feedback from vendors, service personnel and customers that our company seems like a great place to work because the employees seem so happy to be here."

### PFL EDUCATION NEEDED

Some employers surveyed in the report point out that paid leave is a cost savings for businesses that already provide paid maternity or caregiving leave. But, as Appelbaum and Milkman note, access to employer-provided benefits like paid sick leave, vacation, disability and parental leave is far greater for some workers than others. Exempt employees – mainly managers and

professionals – and employees in high quality jobs (paying more than \$20.00 an hour) have more access to these benefits. "And, ironically, the workers who have the least need for paid leave are the most likely to know about it," says Milkman. The study finds that low-wage workers, immigrants and Latinos were the least likely to be aware

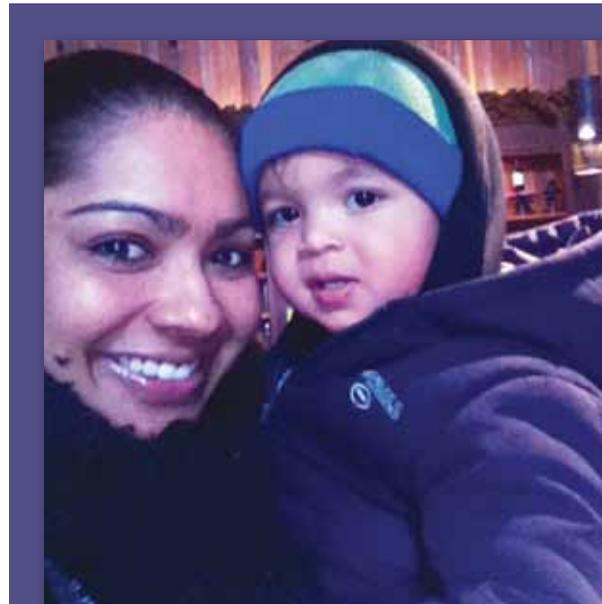
of the program. "Public awareness remains limited," says Milkman, "the low-wage workers surveyed had all experienced a life event that the benefit was designed to cover but more than half of them did not know about it."

Among those who do know about and use the benefit, PFL positively affected their ability to care for a new baby, foster or adopted child. Among low-income workers who used PFL for bonding, 91% reported a positive effect on their ability to care for the new child. And PFL doubled the median duration of breastfeeding for all new mothers who used it – from five to eleven weeks for mothers in high quality jobs and from five to nine weeks for those in low quality jobs.

### NATIONAL MOVEMENT GROWING

The report comes at a time when the national movement and demand for family leave rights is growing. As California advocates push to improve low income workers' access to paid leave, Appelbaum and Milkman point out that public education and outreach is key: "Right now, the main source of information about Paid Family Leave is employers. Advocates need to figure out ways to expand outreach and push for public education programs so that all the workers who need this benefit will be aware of it."

For more information or to read the full report go to [www.working-families.org](http://www.working-families.org)



Mary Ignatius, Statewide Organizer for Parent Voices, took Paid Family Leave to bond with her son Noah. Parent Voices organizes parents around the issue of child care subsidies, paid sick days and paid leave in California.

# UNIONS WIN IT!

FROM PAGE 1

family from Junior High School through college.

**WHAT:** Flexible Work Schedule  
**WHERE:** California

**WHO:** Laborers' International Union of North America (LIUNA) Local 261 & City and County of San Francisco

LIUNA Local 261 negotiated a voluntary flextime work program for all classifications of city and county employees represented by the union. Employees who wish to participate in the program are required to execute a document stating that he/she is voluntarily participating in a flex-time program. Participating employees continue to receive the same rights and privileges as those provided to employees on a "Regular Work Schedule".

*Looking for good work family contract language? Have some of your own to share? Get ideas, find resources and share your successes at [www.learnworkfamily.org](http://www.learnworkfamily.org)*

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Now available on line at [www.working-families.org](http://www.working-families.org)

## INSIDE STORY

# BEYOND THE CONTRACT:

## Unions and Workplace Flexibility

BY PETER BERG AND ELLEN ERNST KOSSEK, SCHOOL OF HUMAN RESOURCES AND LABOR RELATIONS, MICHIGAN STATE UNIVERSITY

Today's families are increasingly coping with a time crunch. Highly demanding workplaces, caregiving responsibilities, the rise of dual earner couples, and a 24/7 service economy with a globally integrated workforce have all contributed to the variability of working time. Consequently, work-life flexibility has become a key workplace issue – and relevant for labor unions. In this article, we discuss the results from our recent study on unions and work-life flexibility practices. We show that despite the lack of contract language on flexible scheduling, workers in unionized organizations are able to obtain some flexible work arrangements and that having a union that supports workers increases their access to flexible schedules.

### A COMPLICATED ISSUE FOR UNIONS

The union approach to work-life flexibility has often been characterized as excessively rigid or disinterested, and there have been very few studies that provide insight into the relationship between labor unions and worker access to flexible schedules.

Work-life flexibility consists of two components:

- basic leaves or time off from work such as vacation, personal days, sick days, education leave or family leave;
- flexible work hours and scheduling such as flex-time, compressed work weeks, compensatory time, part-time, and telecommuting.

Whereas unions have traditionally negotiated basic leave benefits for their members, flexible scheduling policies have not been as widespread in collective agreements. In our study of 20 union contracts across eight public and private organizations, we find widespread coverage of basic leave benefits. However, the extent to which flexible scheduling practices are covered in the collective agreements is much lower.

Some flexible scheduling practices such as compressed workweeks, compensatory time (especially among police officers) and part-time work are significantly more likely to be included in collective agreements. In contrast, flex-time, flex-shifts, gradual return to work after an illness or childbirth, and working at home are less likely to be covered.

Work-life flexibility is a complicated issue for labor unions. Paid leaves provide flexibility to virtually all employees but the length of leave is often influenced by seniority. In contrast, flexible schedules are more applicable to some jobs than others. Management often wants to retain control over scheduling and to keep things informal. Unions fear that negotiating flexible schedules may reduce hours of work, undermine full-time work, or open the door to reductions in overtime pay.

### FLEXIBILITY BEYOND THE CONTRACT

Work-life flexibility practices in unionized organizations are more widespread than what is simply negotiated in collective agreements. Despite

### Armata Dixon, Vice President, 1199SEIU United Healthcare Workers - East

*"In my experience with hospitals, I have seen workplaces where there have been non-contractual agreements on flexibility in practice for over 20 years and it has worked very well for them.*

*However, as unions we have to be diligent and give flexibility much more emphasis. We go to the bargaining table for wages and benefits. We have to be proactive and make sure flexibility is on the table with the hundreds of other issues. And if possible, we should have language on it. Even when there is no formal agreement, we need to talk about workplace flexibility and arrive at some kind of relaxed agreement so that if there is a problem, the bosses will open the door to address the issue."*



Elizabeth Bunn, Organizing Director of the AFL-CIO, speaks at a forum on Unions and Workplace Flexibility, Oct 22, 2010

limited contract language regarding flexible scheduling, a high percentage of employees in our worker survey say they have access to a particular flexible schedule and that supervisors are providing them with access to flexible work arrangements. For example, although no collective agreement in our sample specifies the right to gradual return to work, a large percentage of workers indicate access to this practice. Access to flex-time is similar. The consequence of this approach is that access to flexible options relies to a large extent on supervisor discretion and on the nature of one's job. However, with an unarticulated criterion of access to flexible work arrangements, such an approach risks inequity among employees as supervisors are making scheduling decisions that are not subject to the grievance procedure.

Unions have a role to play in supporting flexible scheduling beyond

## ■ THE CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

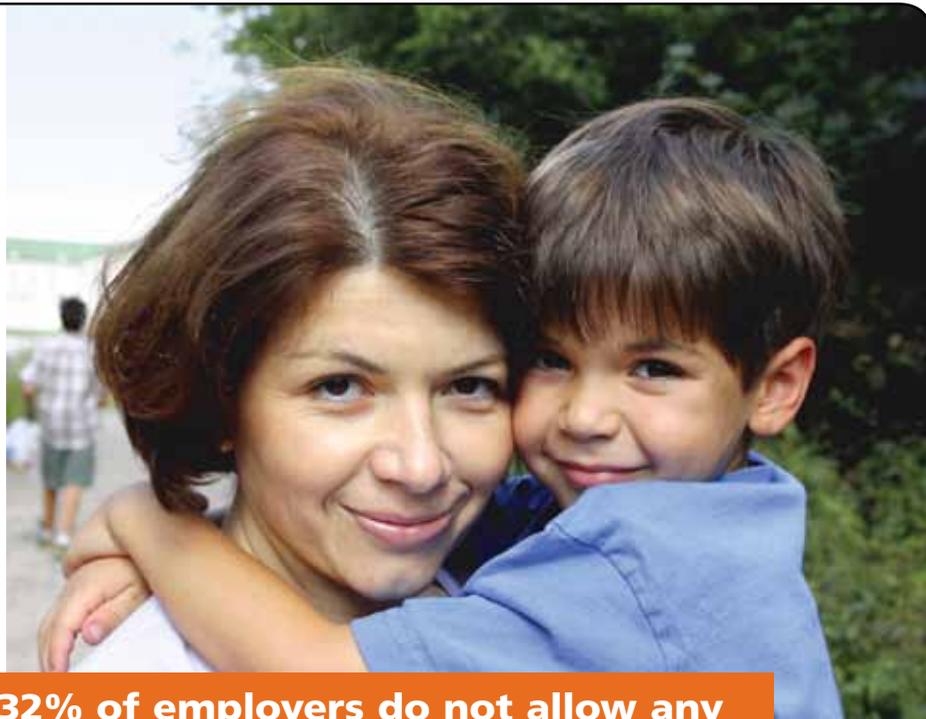
issued new rules for Medicare- and Medicaid-participating hospitals that protect patients' right to choose their own visitors during a hospital stay, including a visitor who is a same-sex domestic partner. "Basic human rights—such as your ability to choose your own support system in a time of need—must not be checked at the door of America's hospitals," said Health and Human Services Secretary, Kathleen Sebelius. "These rules help give 'full and equal' rights to all of us to choose whom we want by our bedside when we are sick, and override any objection by a hospital or staffer who may disagree with us for any non-clinical reason." For more information go to [www.hhs.gov/news](http://www.hhs.gov/news)

## ■ AMONG MANY PROVISIONS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

signed by President Obama, Section 420 amends the Fair Labor Standards Act (FLSA) to protect breastfeeding mothers. It requires an employer to provide a place, other than a bathroom, and reasonable break time for an employee every time she needs to express breast milk for her nursing child up to one year after birth. [www.ncsl.org](http://www.ncsl.org)

# UNBELIEVABLE

■ THE DENVER HOTEL MANAGEMENT COMPANY (DHMC) will pay \$105,000 to settle a sex discrimination case filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC had charged that the company refused to promote a single mother because she had children. According to the lawsuit, the managers explained that the woman was being passed over for a promotion because of her role as a mother of young children. They claimed that she could not work the extended hours because she "has a full time job at home with her children." Discrimination based on stereotypical views of a woman's caregiver status is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. [www.eeoc.gov/eeoc/newsroom](http://www.eeoc.gov/eeoc/newsroom)



## 32% of employers do not allow any workers to change their starting and quitting times

negotiating collective agreement provisions. Our study points to two critical roles for unions in the work-life flexibility arena:

- negotiating basic leave policies and flexible schedules;
- facilitating worker access to flexible schedules and leaves through supportive behaviors.

Supporting worker negotiations with their supervisors or helping them with their schedules make a significant impact in the ability of workers to get access to flexible schedules.

We present an example of contract language from a clerical and technical union that operates at a private university and offers the most coverage of flexible scheduling practices.

*"Flexibility in the workplace is possible when workers and managers are engaged in honest, open and ongoing communication with each other, when there is mutual commitment to the needs of the University, and individuals are respected and trusted.*

*Staff and supervisors are encouraged to jointly explore ways to meet workplace needs and to respect the important and critical dimensions of people's lives outside the workplace... Workers and supervisors are encouraged to seek assistance from all available resources in developing flexible arrangements. Resources can include, but are not limited to, human resources offices, union representatives, the Office of Work/Life Resources and Regional Problem Solving Teams (RPSTs)."*

This open language approach essentially gives employees the right to request these flexible schedules from their supervisors. It recognizes the informal and decentralized nature of flexible scheduling and allows for different solutions across departments within the organization, but explicitly gives the union a role in supporting individual negotiations with supervisors.

*For more information about unions and workplace flexibility, go to [thesustainableworkforce.org](http://thesustainableworkforce.org)*

## Why We Need Flexible Work Arrangements

Employees have shown a great desire for flexible work arrangements (FWAs). National data reveals that nearly 80% of workers say they would like to have flexible work options. However, most workers do not have access to flexible work arrangements and barriers to their effective implementation persist in many organizations as the following data reveals:

- **32% of employers do not allow any workers to change their starting and quitting times, and 67% do not allow all or most employees to do so;**
- **61% do not allow any workers to control which shifts they work;**
- **47% do not allow any employees to move from full time to part-time and back again while remaining in the same position, and 79% do not allow most or all employees to do so;**
- **66% do not allow any employees to work part of the workweek at home on either an occasional or a regular basis; and**
- **61% do not allow any workers to work a compressed work week for at least part of the year.**

Prepared on behalf of Workplace Flexibility 2010 by Jean Flatley McGuire, PhD and Phyllis Brashler, Doctoral Candidate; Northeastern University, Bouve College of Health Sciences



## Please Welcome LPWF's Newest Staff Member, Carol Joyner!

Carol Joyner will be based in Washington, DC working with international unions to promote federal and state work and family policies. Formerly Director of the 1199SEIU Employer Child Care Fund, Carol has a long history in the labor movement and in helping organize and bargain for family-friendly workplaces.

Contact Carol at [carol@working-families.org](mailto:carol@working-families.org)

# Labor Project for Working Families

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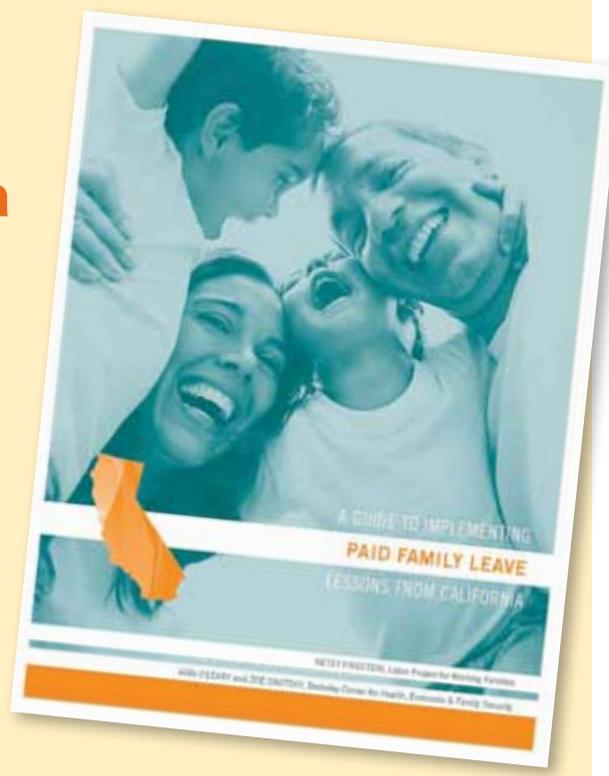


See the inside story on Unions and Flex Time

## Guide to Implementing Paid Family Leave: Lessons from California

This new guide provides key lessons learned in implementing California's Paid Family Leave (PFL) program. Developed by the Labor Project for Working Families and Berkeley Center for Health, Economic & Family Security, this guide is a great resource for policymakers, researchers and state and national work family advocates.

For more information or to download a free copy, go to [www.working-families.org](http://www.working-families.org)



## NETSYNOTE

Sometimes I feel like a broken record. WHY doesn't the US have national paid family leave? HOW can we say we value families when workers are often forced to choose between bonding with a new baby or caring for a sick family member and a paycheck?



We are very excited about the new study on Paid Family Leave in California – *Leaves that Pay*. The study shows that the law is working well for workers AND employers. This study will help pave the way for paid family leave programs in other states and at the national level.

Since Paid Leave passed, over 1 million Californians have taken advantage of the program; most are taking it for parental leave; new dads are taking it more than they did 5 years ago. But the research also shows that many California workers do not even know about paid family leave benefits. Many workers without job protection are afraid of losing their job while on leave. It's time for a **national program** that provides job protected paid family leave benefits to all workers when they have a baby or need to take time off to care for a family member.

A vision for the future: *in 2025 when Congress tried to roll back the 12 months of paid family leave benefits, workers walked off their jobs in protest, flooded congress with emails and jammed the phone lines in outrage. Congress quickly dropped the proposal.*

We are building a movement - let's take the next steps together.

*Netty Frierstein*  
Executive Director

### SUPPORT US!

Donate online at [www.working-families.org](http://www.working-families.org) or mail a check to: Labor Project for Working Families 2521 Channing Way, #5555 Berkeley, CA 94720

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1199SEIU United Healthcare Workers - East  
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\*UFCW Women's Network South Region One  
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Engineers & Scientists of California Local 20, IPFTE  
Five Counties CLC  
Harvard Union of Clerical and Technical Workers

IBEW Local 6  
IBEW Local 302  
IBEW Local 1245  
IPFTE Local 17  
ILWU Northern California District Council  
North Bay Labor Council  
OPEIU Local 29  
Plumbers and Steamfitters Local 159  
Sacramento Central Labor Council  
San Bernardino-Riverside Counties CLC  
San Francisco Central Labor Council  
San Mateo County Central Labor Council  
South Bay Labor Council  
Teamsters Joint Council 7  
Teamsters Local 70  
Teamsters Local 315  
Teamsters Local 350  
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