



Office of the
New York City Comptroller
Scott M. Stringer
Bureau of Policy and Research
www.comptroller.nyc.gov

June 2014



FAMILIES AND FLEXIBILITY:

Reshaping the Workplace for the 21st Century

By Comptroller Scott M. Stringer



TABLE OF CONTENTS

EXECUTIVE SUMMARY.....1

INTRODUCTION.....3

THE PROMISING STORY OF FLEXIBLE WORK ARRANGEMENTS.....4

BOOSTING THE BOTTOM LINE.....6

CASE STUDIES — HOW FLEX SCHEDULING CAN HELP BUSINESSES7

RECOMMENDATIONS.....9

CONCLUSION.....11

ACKNOWLEDGEMENTS.....13

ENDNOTES.....14



Few issues have a more profound effect on the day-to-day lives of working people in New York City and beyond than achieving what is popularly known as “work-life balance,” or what some prefer to call “work-life fit.” It’s a struggle that comes in many forms but affects just about every sector of society – from single individuals struggling to make ends meet, to parents juggling their children’s schedules, to families caring for elderly loved ones.

The “traditional” middle class family of the 20th century—the male breadwinner and female caretaker—has been essentially defunct for decades. Forty years ago, more than half of all families had a stay-at-home mom to provide childcare and domestic duties. Today, mothers are the primary or co-breadwinners in almost two-thirds of American families.¹

Despite these tectonic shifts in American family life, many of our workplaces remain attached to inflexible work rules that adhere to a 9 a.m. - 5 p.m. workday spent within the confines of the traditional office. This inflexibility affects the lives of practically all New Yorkers, particularly caregivers, parents, and low-income workers.

For New York to remain an economic engine, it must actively compete with other global cities for top talent and business investment. Central to that effort is a collective realization that employers and employees benefit from policies that see family and work as complementary, rather than competitive parts of a balanced life.

Recent surveys show that:

- One in five workers provides some form of elder care, a number that is expected to rise as Baby Boomers age.²
- Sixty-five percent of caregivers reported that they have to shift their arrival or departure time or take time off from work to care for loved ones.³
- Nearly 75 percent of employees—women and men— report not having enough time to spend with their children.

A lack of flexibility in workplace scheduling is compounded in the lives of low-income workers. Over 57 percent of low-income families are headed by single parents, the vast majority of whom work at least one job. Their schedules are often either unpredictable, inflexible, or both, making it very challenging to accommodate family or other outside responsibilities.⁴

This report, by Comptroller Scott M. Stringer, examines an alternative approach to traditional work requirements: **flexible work arrangements** (FWAs), which allow employees to work hours outside the traditional 9-to-5 schedule and from locations outside their workstation. It finds that FWAs not only hold the promise of improved work-life fit for employees, but also a more productive, stable, and profitable workforce for employers, big and small.

Research shows that FWAs offer significant benefits to individuals, families, and businesses. Employees report less interference between their job and family life and fewer mental health problems.⁵ And employers report that FWAs improve productivity, reduce unscheduled absences, help to retain talented workers, and save money.

For example, Aetna, one of America’s largest health insurers and a member of the Fortune 100, has embraced telecommuting in recent years, saving the company \$78 million in real estate costs alone.

This report provides two major recommendations to incentivize all businesses to consider adopting flexible work arrangements.

Best Practices

First, drawing on the experience of the Families and Work Institute and the Society for Human Resource Management⁶, this report provides a series of “**best practices**” for FWAs. The practices are purposefully broad, since there is no “one-size-fits all” plan that will work best for all businesses, but they include the following core principles:

- An honest, two-sided exchange between employee and employer, with a mutual commitment to making work “work” for both the employer and the employee;
- Buy-in from executive leadership concerning the potential benefits of FWAs;
- For businesses choosing to adopt FWAs, making them available to all or most employees; not just those at the top of the organization; and
- Ongoing evaluation of the effects of FWAs on individual employee performance and on business profitability.

Right to Request

In addition, the report recommends further examination of federal, state, and local “**right to request**” legislation that can break down the stigma associated with flexible scheduling. This legislation would create a formal mechanism for workers and employers to discuss workplace flexibility options and provide specific procedures to address requests. The legislation does not mandate a right to workplace flexibility; it merely provides a worker with opportunities to request flexibility without fear of reprisal.

As President Obama declared in the 2014 State of the Union address, “It is time to do away with workplace policies that belong in a ‘Mad Men’ episode.” By exploiting technology and acknowledging the many overlapping responsibilities workers face, businesses can boost productivity, improve employee morale, and act as model corporate citizens.

“I believe that we can ‘have it all at the same time.’ But not today, not with the way America’s economy and society are currently structured.”

*~ Professor Anne-Marie Slaughter,⁷
President and CEO, New America Foundation*

In June 2012, Anne-Marie Slaughter, a Professor at Princeton University who had recently left her post as Director of Policy Planning for the U.S. State Department, ignited a torrent of commentary on work-life issues by publishing an article in *The Atlantic* titled, “Why Women Still Can’t Have It All.” By the end of the month, the piece had attracted nearly 725,000 readers, become the most “liked” *Atlantic* piece ever on Facebook, and spawned a front-page piece in the *New York Times*,⁸ in addition to countless conversations at water coolers and dinner tables across the nation.

Slaughter noted that despite the many reported benefits of flexible scheduling⁹—the ability to work hours outside the “traditional” 9-to-5 schedule, or from locations outside the office—the work rules of old remain an intimidating obstacle in many office settings. “I wonder how many women in similar positions would be afraid to ask [for flexible scheduling/telecommuting], lest they be seen as insufficiently committed to their jobs.”¹⁰

Debates over how to manage work-life issues have only intensified since Slaughter’s piece was published. In his 2014 State of the Union address, President Obama asserted that neither women nor men should be forced to choose between having a job or raising a family, or between caring for a sick child or parent and facing potential employment problems. The President declared, “It is time to do away with workplace policies that belong in a ‘Mad Men’ episode.”¹¹

Despite renewed focus on the promise of flexible work arrangements, some highly visible companies have actually retreated from such policies. In February 2013, Yahoo CEO Marissa Mayer—herself a new mother—curtailed work-at-home arrangements.¹² In the company’s letter to employees, Yahoo declared, “Some of the best decisions and insights come from hallway and cafeteria discussions, meeting new people and impromptu team meetings. Speed and quality are often sacrificed when we work from home.”¹³

While there is considerable debate about whether face-to-face interaction among employees fosters a more collaborative culture¹⁴, a few companies followed Yahoo’s lead.¹⁵

Whether one sides with Slaughter, Mayer, or is somewhere in-between, the questions at the heart of this debate center on how the modern workplace should be structured to both inspire innovation and ensure that people aren’t forced to choose between being a good employee and being a good parent, spouse, child, and citizen.

An embrace of flexible work arrangements is one such structural change that offers a way to improve work-life fit, boost the productivity and satisfaction of employees, and enrich the bottom line of employers. Despite the success of FWAs in many industries, many workplaces stubbornly adhere to the “traditional” 9-to-5 workday, where all work must be accomplished at a particular workstation. These workplaces resist efforts to provide flexibility to their employees, even as technology has made it more attainable than ever before.

The truth is that while we are living in a 21st century economy and have made progress, we are still employing early 20th century customs when it comes to workplace hours. A recent report conducted by the Families and

Work Institute found that only 11 percent of respondents described as “very true” the statement that “management rewards those within the organization who support effective, flexible work arrangements.”¹⁶

Forty years ago, more than half of all families had a stay-at-home mom to provide childcare and domestic duties. Now, mothers are the primary or co-breadwinners in almost two-thirds of American families.¹⁷

Using case studies from across the country, this report highlights the widespread benefits of FWAs for businesses big and small throughout New York City. In addition, the report outlines a list of “best practices.” These “best practices” are necessarily flexible, as businesses in particular industries will approach FWAs differently.

Finally, the report recommends that all levels of government examine “right to request” legislation that creates a framework for individuals to approach employers about flexible work arrangements. The legislation *does not* require employers to provide flexibility of a particular kind, but instead creates a mechanism through which requests can be made, breaking down the stigma so often attached to seeking FWAs.

THE PROMISING STORY OF FLEXIBLE WORK ARRANGEMENTS

“There’s no such thing as work-life balance. There are work-life choices, and you make them, and they have consequences.”

~ Jack Welch, Former CEO, General Electric¹⁸

In a major gender discrimination lawsuit in 2011, Chief Judge Loretta A. Preska of the United States District Court for the Southern District of New York declared, “[M]aking a decision that preferences family over work comes with consequences...perhaps unfortunately, women tend to choose to attend to family obligations over work obligations thereafter more often than men in our society. Work-related consequences follow.”¹⁹

Chief Judge Preska and Jack Welch are not outliers. Many Americans in both the public, private, and non-profit worlds continue to assert that work and life issues are a zero-sum game, where any choice that benefits one side of the ledger necessarily and invariably hurts the other side.

However, in recent years, many have pushed back against this traditional viewpoint, discovering that flexible work schedules improve *both* work productivity and family satisfaction.

This pushback comes at a time when the demographics of the American workforce are undergoing profound change. According to the Northwestern Law School Journal of Law and Social Policy, there are more employees caring for elderly parents, more Baby Boomers looking for gradual retirement options, more individuals seeking mid-career education while still working, and more parents without at-home partners than ever before.²⁰

Because women continue to spend, on average, more hours than men on both childrearing and taking care of elderly parents, it is no surprise that they are most affected by decisions about work-life issues. As a recent study found, “After accounting for potential experience, hours worked, weeks worked, and other observable factors, the

remaining difference between men and women by occupation is largely due to the penalties imposed on women for greater job interruptions and their need for more flexibility.”²¹

A report on the gender wage gap published earlier this year by the Comptroller’s office found that women in New York City are paid 82 cents on the dollar compared to men. A lack of flexibility in the workplace compounds this problem, since women choose to leave the workforce to care for children or family members more often than men. The effects of these decisions often accumulate over time.²²

One way to lower the wage gap between genders and keep mothers in the workforce is through flextime. A Baylor University study found that “having a flexible schedule is an important element necessary to decrease working mom turnover because it can be used when work demands arise.”²³

Despite what they stand to gain from flexible work arrangements, women are *less* likely than men to hold jobs that offer flexibility or family-friendly benefits.²⁴ One study found that mothers who took advantage of flex time policies experienced wage depression, missed promotions, and other negative consequences, *even when the policies used were employer-sanctioned*.²⁵

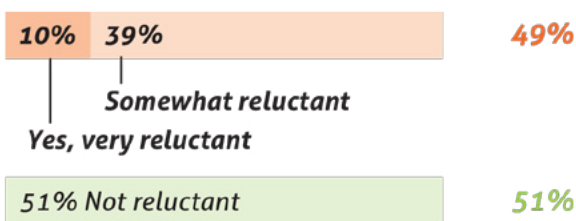
Author Hanna Rosin crystallized the dilemma of many working women in her description of navigating work-life conflicts:

When I had my first child, I was working at *The Washington Post*. That newspaper is one of the most family-friendly institutions in the United States, but still I felt guilty when I asked to work four days a week for a little while. Sneaking out at 6:15 most days was my own little walk of shame. I still recall the elaborate ritual I went through to stash my coat by the elevator so no one could watch me get ready to leave.²⁶

Rosin’s experience is by no means limited to women. A recent survey of working fathers by A Better Balance, a legal advocacy organization dedicated to promoting equality and improving work-life fit, found that nearly half would be at least “somewhat reluctant” to take advantage of flexible work schedules, *even if they were offered/promoted by their employer* (see chart below).²⁷

Indeed, making the office more family-friendly helps all employees.²⁸ Nearly 7 out of 10 working fathers said they would personally benefit from flexible work arrangements.²⁹ This is particularly important in an era in which more employees are reporting not having enough time to spend with their children (see chart, below).

Q | Would you personally be reluctant to take advantage of flexible work policies offered by your employer (e.g. flexible work hours, telecommuting, job sharing, reduced work hours)?



Source: A Better Balance

Furthermore, research shows that FWAs reduce employee stress, encourage healthier lifestyles, and improve the long-term health of employees.³⁰

According to the American Psychological Association, “Higher rates of job dissatisfaction and job-related stress have been observed in workers with more frequent overtime requirements, little managerial support, and less work flexibility.”³¹

The positive effects of flexible scheduling even extend to children, since parents with access to workplace flexibility are more

likely to be involved in their children’s education and health care.³²

FWAs benefit non-parents as well. A 2013 Catalyst study found that 50 percent of workers without children living at home stated that flexible work arrangements are “very or extremely important” to them.³³

One reason for this sentiment may be the result of America’s aging population. Recent surveys show that 1 in 5 workers provides some form of elder care, a number that is expected to rise as Baby Boomers age. New York City in particular will see dramatic increases in its senior (65+) population, which is projected to rise 40.7 percent to 1.41 million by 2040.³⁴

The National Alliance for Caregiving found that 19 percent of all adults (18+) provide unpaid care to a family member or friend older than 50 years old.³⁵ Of these caregivers, 61 percent are employed, with 50 percent working full time and 11 percent working part time.³⁶

Some businesses have begun to recognize this trend and have taken steps to expand their flexible work policies to a broader class of employees.³⁷ Unilever, the consumer products manufacturer, offers salaried employees emergency-care services (which can include extended leaves of absence and subsidized in-home care), flexible working arrangements, and other benefits to help care for elderly relatives.³⁸

Flex scheduling is particularly important for low-wage workers who often have less workplace flexibility than more highly-skilled workers.³⁹ These individuals often face unique challenges, including: lack of control over the scheduling of work hours and break times, schedules or overtime assigned with little or no advanced notice, and fluctuations in work hours by week, time of day, or length of shift.⁴⁰ In addition, over 57 percent of low-income working families are headed by single parents, the vast majority of whom work.⁴¹ And lower-income workers are more likely to provide care to their aging parents than those in higher-income brackets.⁴²

FWAs aren’t only critical for low-income workers, but also for people with disabilities. A 2011 report from the Government Accountability Office found that flexible work environments can “increase and enhance employment opportunities for individuals with disabilities,”⁴³ by mitigating transportation and building access challenges.

BOOSTING THE BOTTOM LINE

Like other workplace improvements—from the \$5 workday of Ford factories in the early 20th century, to the fight for paid sick leave in New York City today—flexible work arrangements aren’t just about helping people achieve work-life fit, they’re also good for business.

In a recent survey, ninety-seven percent of human resource professionals reported that productivity is the same or better with flex schedules.⁴⁴ Studies have shown that companies can save an average of \$6,500 annually for every person who telecommutes once a week, largely through decreased employee turnover and energy/IT savings.⁴⁵ Providing flexible work arrangements to take care of personal and family needs can even help limit unscheduled absences.⁴⁶

In a report that singled out the accounting industry for its progressive efforts in flex scheduling, Ellen Galinsky, president and co-founder of the Families and Work Institute, summed up the business case for flexible work arrangements: “The nation’s accounting firms excel at this for a boring, accounting reason — they’ve looked at the numbers, and they see it helps.”⁴⁷

At Aetna, one of America’s largest health insurers and a member of the Fortune 100, 47 percent of workers telecommuted in 2012, up from 9 percent in 2005. This shift has saved the company \$78 million in real estate costs alone.⁴⁸ As the *New York Times* recently reported, not only do people who work at home tend to be more productive, but every segment of the population—men, women, parents, single adults—are taking advantage of this trend.⁴⁹

Corporate Voices for Working Families found that implementing workplace flexibility improves employee satisfaction, morale, and teamwork as well as employee health, well-being, and resilience, and helps to reduce stress.⁵⁰ In a 2009 study on access to flexible work options, a majority of individuals of all generations reported that having access to flexible work options contributes to their overall quality of life “to a great extent.”⁵¹

A 2000 study of 527 U.S. companies published in the *Academy of Management Journal*, suggests that “organizations with more extensive work-family policies have higher perceived firm-level performance” among their industry peers.⁵² Furthermore, in a 2003 study of 130 companies that announced family-friendly policies, the *Wall Street Journal* found that the announcements alone significantly improved share prices.⁵³

DRAWING AND RETAINING TALENT

Another benefit for employers who embrace flex scheduling is the ability to attract and retain better talent for their workforce.

In 2011, a study on flexibility in the workplace showed that increased flexibility correlates positively not only with job engagement, job satisfaction, and employee health, but also with employee retention.⁵⁵ Workers with high overall access to flexible work arrangements report being much more likely to maintain their current employment than those in inflexible work environments. In fact, the main reason cited by employers for developing workplace flexibility programs is the retention of employees in general.⁵⁶

The ability to retain employees rather than train new hires has a significant effect on profitability. Deloitte, the global consulting and accounting firm which was named one of *Fortune*’s 100 Best Companies to Work For⁵⁷ in 2014 and has been recognized for its leadership on issues of workplace flexibility,⁵⁸ reported that its flex policies save more than \$45 million a year by reducing turnover, since training a new employee costs roughly 1.5 times a departing worker’s salary.⁵⁹

CASE STUDIES — HOW FLEX SCHEDULING CAN HELP BUSINESSES

Before turning to best practices for flex scheduling and other recommendations, it is useful to look at case studies showing how businesses large and small are benefiting from this growing trend.⁶⁰

1. KPMG LLP ⁶¹

Who: The audit, tax and advisory firm KPMG LLP, is the U.S. member firm of KPMG International.

Where: KPMG International’s member firms are located in 155 countries including 87 offices in the United States.⁶²

Employees: KPMG International’s member firms employ nearly 155,000 people.

Flex Policy: KPMG has consistently appeared in the Fortune magazine listing of the “Best Companies to Work For”⁶³ in part because of its expansive culture of flexibility. KPMG employees have access to day to day informal flexibility as well as formal alternative work arrangements including job sharing, flextime, compressed work weeks, and telecommuting. Requests for flexibility are generated by employees, and discussed with managers, who are trained to approach such requests with a “how can we make this work” attitude.

The company now estimates that the vast majority of its employees utilize some form of workplace flexibility.

2. RYAN

Who: A global tax services firm, with the largest indirect tax practice in North America and the seventh largest corporate tax practice in the United States.

Where: Based in Dallas, Texas with 68 locations worldwide.

Employees: Almost 2,000 employees world-wide with approximately 1,300 in the United States.

Flex Policy: In an effort to combat a “sweatshop reputation”, leaders at the firm created “myRyan:” a dashboard that tracks employee performance measures like client reviews, revenues, leadership, and core competencies. At Ryan, there is no defined organization-wide schedule, no minimum hours and no requirement that work be done in the office.

STILL A LONG WAY TO GO...

Despite the proven benefits, a majority of American workers remain employed in inflexible work environments. The 2014 Families and Work Institute survey⁶⁴ showed that:

- 62 percent of employers report not allowing some employees to work some regular paid hours at home on a regular basis;
- 57 percent report not allowing at least some employees to compress the workweek by working longer hours on fewer days for at least part of the year;
- 60 percent report not allowing at least some employees to control which shifts they work;
- 64 percent report not allowing at least some employees to move from full-time to part-time and back again while remaining in the same position; and that
- 19 percent of employers report not allowing at least some employees to change their starting and quitting times.

Q | What would most encourage you to take advantage of family-friendly workplace policies?

Seeing that other men in my workplace are using these practices and advancing on the job.

44%

Senior leadership setting an example

41%

Other

15%

Not only do many American businesses hurt employees and their own profitability by continuing to resist flexible scheduling, but in so doing they also contribute to a deeply entrenched stigma that accompanies asking for family-friendly policies.

A recent survey of working fathers found that more than anything else, seeing other men use FWAs and advancing on the job would encourage them to take advantage of family-friendly policies (see chart above).⁶⁵ A close second was senior leadership setting an example by both taking advantage of flex time themselves and by encouraging the adoption of more flexible work arrangements company-wide.

The survey suggests three fundamental truths:

- (1) That people will make use of FWAs if they feel comfortable approaching their employer;
- (2) That FWAs benefit *both* employees and employers; and
- (3) That too often, the inflexible status quo remains stubbornly entrenched.

RECOMMENDATIONS

This report provides two tools that business and government should consider to boost the benefits that can be derived from flexible work arrangements.

First, with the help of staff from the Families and Work Institute and the When Work Works project (a joint project of the Families and Work Institute and the Society for Human Resource Management) and other lessons learned from the implementation of FWAs across the country, we provide a list of “best practices” for employers and employees vis-à-vis flex scheduling, with the caveat that flex scheduling is designed to be *flexible* to the needs of individual businesses.

Second, we urge government at all levels to explore “right to request” legislation, which can create a framework for employees to seek out flexible schedules from employers without imposing a one-size-fits-all mandate.

1. BEST PRACTICES

Flex scheduling offers benefits to businesses across an array of industries. However, just as flexible scheduling adjusts to the needs of individual employees, so it must adjust to the needs of employers. It is most effective when there is “an honest two sided exchange, as well as a mutual commitment to continual change.”⁶⁶ The best practices outlined in this report are loyal to that principle, while also providing baseline recommendations for businesses interested in employing FWAs.

To start, there must be buy-in at every level. The Families and Work Institute states that “support from the top is the basis for successful flexibility.”⁶⁷ Support from the middle level – line managers – is also very important for transforming flexibility from a listing of approved policies into real practices that change the way work is done. An advisory group may be organized to develop a program, potentially on a pilot basis so options can be tried, evaluated and improved where necessary.

Existing workplace flexible policies should be identified and assessed to determine the extent to which employees are taking advantage of them, and the reasons why or why not.

The experience and goals of both employee and employer need to be understood and considered when reinventing work for more effective workplaces. The best flexibility initiatives meet both business and employee needs—they

work for both. It is recommended that organizations that choose to embrace flexible work arrangements should make said arrangements available to all or most employees, not just those at the top of the organization in an effort to create a culture of flexibility in the workplace.⁶⁸ This may require offering a variety of flexible work schedule options that are aligned with the work requirements of different segments of the workforce.⁶⁹

Create and effectively disseminate specific program procedures and guidelines. Provide flex scheduling training to employees who have access to FWAs.⁷⁰

Appropriate technology should be provided to ensure that employees can productively work outside of the office.

Organizations should encourage dialogue about work-life concerns between employees and supervisors and develop clear guidelines for all involved in the decision making process. Employers should evaluate the effects of FWAs on individual employee performance and on business profitability over time. Employees should understand the impact a desired schedule will have on a boss, a team, and personal productivity.⁷¹

Flexibility is not a perk it is a business strategy for such managerial concerns as employee retention and productivity, functioning in multiple markets across the country and around the world, and social responsibility and corporate branding. Flexibility is also not an entitlement it is a responsibility on the part of both the employer and employee to make it work and be accountable for results.

2. A FRAMEWORK FOR FLEX: EXPLORING “RIGHT TO REQUEST” LEGISLATION

As noted above, many individuals are fearful to *even inquire* with their employer about a flexible work arrangement. Still others feel guilt and shame even when their employers support flexible scheduling.

That’s where government can help—not by creating a mandate, but by providing a framework through which employees and employers can consider flexible work schedules in offices large and small. It is this framework—created through so-called “right to request” legislation—that has proven so successful overseas.

A 2012 article in the *Northwestern Journal of Law and Social Policy* noted that while workplace improvements have historically been most effective when the business community is prepared to change, sometimes the government must do more than sit back and wait for business to voluntarily adopt reform. The article concluded, “[C]ultural change is so often a product of both legislative enforcement and social evolution. Indeed, when these phenomena occur in tandem, the chances for lasting change are optimized.”⁷²

In 2002, the United Kingdom passed legislation granting employees with young or disabled children the right to request flexible schedules from their employers. The law *does not* guarantee a right to flexible work, but instead seeks to increase flexibility in U.K. workplaces by requiring a process for negotiation between employees and employers. The same law was expanded this year to include parents with children under the age of 17 and caregivers to adults who reside with them.⁷³

That process is structured such that the initial responsibility rests with the employee to propose a flexible work arrangement and to explain its potential impact on the employer. The employer may refuse the request, but only for legitimate business reasons. Similar “right to ask” legislation exists in New Zealand, New South Wales, the Netherlands, and Germany.

The legislation has already had its desired effect. For example, the British Foreign and Commonwealth Office (FCO), worried about losing talented members of two-career couples around the world, particularly women, recently changed

its policy from a default rule that jobs have to be done on-site to one that assumes that some jobs might be done remotely. Importantly, the FCO places the burden on the employee by “invit[ing] workers to make the case for remote work.”⁷⁴

The success of the U.K. model has spawned similar legislation in Congress and in State Legislatures from Maryland to California.⁷⁵ In Congress, the **Flexibility for Working Families Act**⁷⁶, first introduced by the late Senator Edward Kennedy (D-MA), and now sponsored by Senator Bob Casey (D-PA) and Representative Carolyn Maloney (D-NY), is modeled after the UK/New Zealand legislation. It would permit employees to request, and ensure employers consider requests for, flexible work terms and conditions, while prohibiting “any employer to discharge or in any other manner discriminate against (including retaliating against) any individual because such individual” applied for flex scheduling.

While Congress has yet to take action to support FWAs, some states have been more proactive. In Montana, on request of a current employee, a position may be considered for job sharing, which would provide the employee with added flexibility.⁷⁷ In Oregon, each state agency must adopt a written policy that “[r]equires the agency, in exercising its discretion, to consider an employee request to telecommute in relation to the agency’s operating and customer needs.”⁷⁸

Both the state of Vermont⁸⁰ and the city of San Francisco have enacted “right to request” laws that require employers to discuss and consider such requests with employees and bar retaliation merely for asking about FWAs.

While New York has been ahead of the curve in advocating for certain family-friendly employment practices such as requiring employers with fewer than 50 employees (who are exempt from the provisions of the federal Family Medical Leave Act) to comply with the state leave law—it has not taken any concrete steps to boost flexible scheduling.

State Assemblywoman Nily Rozic recently introduced legislation that would create a “right to request” law.⁸¹ Legislation in New York modeled after the Flexibility for Working Families Act or other state and local legislation could make the Empire State a national leader in the workplace flexibility arena, further boosting our reputation as a fertile ground for businesses and families.

CONCLUSION

Maintaining New York’s status as a vibrant city to live and work requires that leaders in business and government take a long-term view of our economic future. Part of that effort involves predicting which industries will be critical to growth in coming decades and working to ensure that our workforce has the skills it needs to fill the jobs of tomorrow.

However, it also means having the pulse of what working families need—families that look much different than they did a half-century or even a generation ago. As author Judith Warner stated, “If we want to strike at the roots of inequality in America, we’ve got to start at its source, in the family, at the very beginning of children’s lives. . . . We need to make it possible for all parents to give their kids the kind of head start that is increasingly becoming an exclusive birthright of the well-off.”⁸² Thus far, we have not developed the public policy necessary to support working families as they exist in the 21st century.⁸³

For New York City to remain an economic engine, it must actively compete with other global cities for top talent

and business investment. Central to that effort is a collective realization that employers and employees benefit from policies that see family and work as complementary, rather than competitive parts of a balanced life. As a result, flexible work arrangements not only boost employee morale and productivity, they also improve corporate profitability and reduce turnover.

From American Express and Citigroup to KPMG and IBM, flexible work arrangements are on the rise in a variety of different industries that do business in New York City. However, the pace of change is still frustratingly slow for millions of New Yorkers who are not afforded the opportunity to integrate work and family life through the use of FWAs.

By implementing best practices and creating a framework for discussions between employers and employees, businesses both large and small will be spurred to consider flexible work arrangements. It is an idea whose time has come.

ACKNOWLEDGEMENTS

Comptroller Scott M. Stringer thanks Andrew L. Kalloch, Deputy Policy Director, and Sally Frank, Policy Analyst, the lead researchers and writers of this report.

Comptroller Stringer also recognizes the important contributions to this report made by: David Saltonstall, Policy Director; Alaina Gilligo, First Deputy Comptroller; Sascha Owen, Chief of Staff; Camille Joseph, Deputy Comptroller for Public Affairs; Susan Scheer, Special Assistant for Policy; Michael Nitzky, Director of Communications; Eric Sumberg, Deputy Communications Director and Press Secretary; Jenna M. Adams, State Legislative Counsel; Nivardo Lopez, City Legislative Affairs; Adam Eckstein, Policy Analyst; Shannon Heath, Digital Media Manager; Nicole Turso, Press Officer and Archer Hutchinson, Creative Lead and Web Developer.

Comptroller Stringer would also like to thank Dina Baskt and Sherry Leiwant of A Better Balance and Anne Weisberg and Ken Matos of the Families and Work Institute for their contributions to this report.

ENDNOTES

1. <http://www.21cforall.org/work> Accessed: May 29, 2014.
2. National Alliance for Caregiving, “Caregiving in the U.S.: A Focused Look at Those Caring for Someone Age 50 or Older,” (Nov. 2009), p. 14, available: <http://www.caregiving.org/data/FINALRegularExSum50plus.pdf>. Accessed: May 9, 2014.
3. *Id.* p. 17, Accessed: May 29, 2014.
4. http://www.nwlc.org/sites/default/files/pdfs/collateral_damage_scheduling_fact_sheet.pdf. Accessed: May 29, 2014.
5. Families and Work Institute, “2014 National Study of Employers” (2014), p. 3, available: <http://familiesandwork.org/downloads/2014NationalStudyOfEmployers.pdf>. Accessed: May 9, 2014.
6. Families and Work Institute is an independent non-advocacy organization that does not take positions on these matters, and the position of the Comptroller’s Office should not be considered reflective of any position or opinion of FWI, SHRM or When Work Works.
7. Anne-Marie Slaughter, “Why Women Still Can’t Have it All,” *The Atlantic* (Jul./Aug. 2012), available: http://www.theatlantic.com/magazine/archive/2012/07/why-women-still-can-t-have-it-all/9020/?single_page=true. Accessed: May 8, 2014.
8. Jodi Kantor, “Elite Women Put a New Spin on an Old Debate,” *New York Times* (22 Jun. 2012), A1, available: http://www.nytimes.com/2012/06/22/us/elite-women-put-a-new-spin-on-work-life-debate.html?_r=1. Accessed: May 8, 2014.
9. Flexible scheduling is commonly referred to as “flex scheduling,” “flex time,” “flexible work arrangements” or “FWAs.”
10. Slaughter, “Why Women Still Can’t Have it All” (emphasis added).
11. <http://www.whitehouse.gov/the-press-office/2014/01/28/president-barack-obamas-state-union-address>. Accessed: May 8, 2014.
12. Claire Cain Miller and Catherine Rampell, “Yahoo Orders Home Workers Back to the Office,” *New York Times* (26 Feb. 2013), A1, available: http://www.nytimes.com/2013/02/26/technology/yahoo-orders-home-workers-back-to-the-office.html?_r=0&pagewanted=all. Accessed: May 8, 2014.
13. <http://allthingsd.com/20130222/physically-together-heres-the-internal-yahoo-no-work-from-home-memo-which-extends-beyond-remote-workers/>; One manager told the *Times* that he instructed his employees to, “Be here when you can. Use your best judgment. But if you have to stay home for the cable guy or because your kid is sick, do it.” Accessed: May 8, 2014.
14. <http://www.bostonmagazine.com/news/blog/2013/02/26/yahoo-ditches-telecommuting/>; John Sullivan, a professor of management at San Francisco State University, has found that working from home is more productive but less innovative. Accessed: May 8, 2014.
15. Claire Cain Miller and Nicole Perloth, “Yahoo Says New Policy is Meant to Raise Morale,” *New York Times* (6 Mar. 2013), B1, available: http://www.nytimes.com/2013/03/06/technology/yahoos-in-office-policy-aims-to-bolster-morale.html?pagewanted=1&_r=0&pagewanted=all. Accessed May 15, 2014.
16. <http://familiesandwork.org/downloads/2014NationalStudyOfEmployers.pdf> p. 34. Accessed: May 8, 2014.
17. Elizabeth Gedmark, “Fathers Need Family-Friendly Workplaces,” available: <http://www.abetterbalance.org/web/blog/entry/fathers-need-family-friendly-workplaces>. Accessed: May 15, 2014.
18. Cari Tuna and Joann S. Lublin, “Welch: ‘No Such Thing as Work-Life Balance,’” *Wall Street Journal* (14 July 2009), available: <http://online.wsj.com/news/articles/SB124726415198325373>. Accessed: May 9, 2014.
19. *EEOC v. Bloomberg L.P.*, 778 F. Supp. 2d 458, 485-486 (S.D.N.Y. 2011).
20. Marianne DelPo Kulow, *Legislating a Family-Friendly Workplace: Should It Be Done in the United States?*, 7 Nw. J. L. & Soc. Pol’y. 88 (2012). <http://scholarlycommons.law.northwestern.edu/njls/vol7/iss1/3> Accessed: May 9, 2014.
21. Claudia Goldin and Lawrence F. Katz, “The Career Cost of Family,” (Nov. 2010), p. 16, available: http://workplaceflexibility.org/images/uploads/program_papers/goldin_-_the_career_cost_of_family.pdf
22. http://comptroller.nyc.gov/wp-content/uploads/documents/Equal_Pay_Gender_Wage_Gap_Report.pdf. Accessed: May 12, 2014.
23. <https://www.baylor.edu/mediacommunications/news.php?action=story&story=95757>. Accessed: May 13, 2014.
24. Stephanie Coontz, “Why Gender Equality Stalled,” *New York Times* (17 Feb. 2013), SR1, available: http://www.nytimes.com/2013/02/17/opinion/sunday/why-gender-equality-stalled.html?hp&_r=1&pagewanted=all&. Accessed: May 8, 2014.
25. Jennifer Glass, “Blessing or Curse? Work-Family Policies and Mothers’ Wage Growth over Time,” *Work and Occupations* 31.3 (Aug. 2004), pp. 367–94; see also Michael Judiesch and Karen Lyness, “Left Behind? The Impact of Leaves of Absence on Managers’ Career Successes,” *Academy of Management Journal* 42.6 (Dec. 1999), pp. 641–51 (finding that those who took leaves were more likely to receive smaller salary increases and negative performance evaluations, and less likely to be promoted); see also Dina Bakst, Jared Make, Nancy Rankin, “Beyond the Breadwinner: Professional Dads Speak Out on Work and Family,” *A Better Balance* (Jun. 2011), available: http://www.abetterbalance.org/web/images/stories/Documents/valuecarework/Reports/ABB_Rep_BeyondBreadwinner.pdf, p. 20 (many men reported negative treatment and disapproving comments at work due to their attempt to meet family responsibilities).
26. Hanna Rosin, “The Secret Shame of the Working Mother,” *The Atlantic* (26 Jun. 2012), available: <http://www.theatlantic.com/business/archive/2012/06/the-secret-shame-of-the-working-mother/258923/>. Accessed: May 9, 2014.
27. Baskt, “Beyond the Breadwinner,” p. 15.
28. <http://whenworkworks.org/research/downloads/FlexAtAGlance.pdf>. Accessed: May 9, 2014.
29. et al, “Beyond the Breadwinner,” p. 3.
30. <http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/PHC-2010-ABetterBalance.pdf> Accessed: May 9, 2014.
31. <http://www.apa.org/pi/ses/resources/publications/factsheet-wsh.pdf> Accessed: May 13, 2014.
32. http://www.21cforall.org/sites/default/files/pdf/21cforall_workfamily.pdf Accessed: May 9, 2014.
33. Anna Beninger, and Nancy Carter, “The Great Debate: Flexibility v. Facetime.” (2013), p. 7. Accessed: May 13, 2014.
34. http://www.nyc.gov/html/dcp/pdf/census/projections_report_2010_2040.pdf, p.5. Accessed: May 9, 2014.
35. “Caregiving in the U.S.,” p. 14.

36. *Id.*
37. <http://www.caregiving.org/data/CaregivingUSAllAgesExecSum.pdf>, p. 17. Accessed: May 9, 2014.
38. *Id.*
39. http://www.21cforall.org/sites/default/files/pdf/21cforall_workfamily.pdf, p. 4. Accessed: May 28, 2014; <http://www.worldatwork.org/waw/adimLink?id=50354> p. 2. Accessed May 9, 2014.
40. Liz Watson and Jennifer Swanberg. “Flexible Workplace Solutions for Low-Wage Hourly Workers: A Framework for a National Conversation.” (2010) p. 4-5. See: <http://workplaceflexibility2010.org/images/uploads/whatsnew/Flexible%20Workplace%20Solutions%20for%20Low-Wage%20Hourly%20Workers.pdf>. Accessed: May 28, 2014
41. Urban Institute, “Lower-Wage Workers and Flexible Work Arrangements,” (2010), p. 3, available: <http://workplaceflexibility2010.org/images/uploads/Lower-WageWorkersandFWAs.pdf>. Accessed: May 9, 2014
42. Jodi Heymann, *The Widening Gap: Why America’s Families are in Jeopardy—and What Can Be Done About It*, New York, NY: Basic Books, 2000.
43. <http://www.gao.gov/products/GAO-11-351T>. Accessed: May 9, 2014
44. <http://us.mediaplanet.com/small-business-tech/workplace-flexibility>; https://www.shrm.org/Research/SurveyFindings/Articles/Documents/09-0464_Workplace_Flexibility_Survey_Report_inside_FINALonline.pdf. Accessed: May 9, 2014
45. Karen Klein, “How to Make Your Employees Work From Home,” *Bloomberg Businessweek* (15 Feb. 2011), available: http://www.businessweek.com/smallbiz/content/feb2011/sb20110215_286886.htm. Accessed: May 9, 2014.
46. Diane F. Halpern, “How Time-Flexible Work Policies Can Reduce Stress, Improve Health, and Save Money,” *21 Stress & Health* 157 (2005), available at <http://www.cmc.edu/berger/pdf/Halpern2005.Stress.pdf>. Accessed: May 9, 2014.
47. Steven Greenhouse, “Flex Time Flourishes in the Accounting Industry,” *New York Times* (8 Jan. 2011), B8, available: <http://www.nytimes.com/2011/01/08/business/08perks.html?pagewanted=all>; In the accounting industry, flex scheduling takes many forms, from providing summers off to parents to spend with their children to permitting “sabbatical” leave to embark on an adventure of a lifetime (of course, the 60-hour+ work weeks during tax season is the flip side of the coin). Accessed: May 9, 2014.
48. http://www.nytimes.com/2013/02/26/technology/yahoo-orders-home-workers-back-to-the-office.html?_r=0&pagewanted=all. Accessed: May 9, 2014.
49. Alina Tugend, “It’s Unclearly Defined, but Telecommuting is on the Rise,” *New York Times* (8 Mar. 2014), B6, available: http://www.nytimes.com/2013/02/17/opinion/sunday/why-gender-equality-stalled.html?hp&_r=1&pagewanted=all&. Accessed: May 9, 2014.
50. <http://www.cvworkingfamilies.org/publications/workplaceflex>. Accessed: May 9, 2014.
51. http://workplaceflexibility.bc.edu/need/need_employers_satisfaction. Accessed: May 13, 2014.
52. Jill Perry-Smith and Terry Blum, “Work-Family Human Resource Bundles and Perceived Organizational Performance,” *Academy of Management Journal* 43.6 (Dec. 2000), p.1107.
53. Michelle M. Arthur, “Share Price Reactions to Work-Family Initiatives: An Institutional Perspective,” *The Academy of Management Journal* 46.4 (Aug. 2003), pp. 497-505.
54. <http://www.nytimes.com/2014/03/08/your-money/when-working-in-your-pajamas-is-more-productive.html?ref=business>. Accessed: May 9, 2014.
55. Ellen Galinsky, Kelly Sakai, and Tyler Wigton, “Workplace Flexibility: From Research to Action,” *Work and Family* 21.2 (Fall 2011), pp.141-161, available: <http://futureofchildren.org/publications/journals/article/index.xml?journalid=76&articleid=555>.
56. <http://familiesandwork.org/downloads/2014NationalStudyOfEmployers.pdf>. (Accessed: May 13, 2014)
57. http://money.cnn.com/magazines/fortune/best-companies/2014/list/?iid=BC14_sp_full. Accessed: May 9, 2014.
58. <http://whenworkworks.org/awards/2011winners.html>. Accessed: May 9, 2014
59. Greenhouse, “Flex Time Flourishes.”
60. For additional case studies collected by the Work and Family Research Network at the University of Pennsylvania, see <http://workfamily.sas.upenn.edu/static/casestudy>. Accessed: May 9, 2014
61. http://workplaceflexibility2010.org/images/uploads/FWA_CaseStudies.pdf. Accessed: May 9, 2014.
62. <http://www.kpmg.com/us>. Accessed: May 9, 2014
63. <http://money.cnn.com/magazines/fortune/best-companies/2012/snapshots/94.html>; <http://money.cnn.com/magazines/fortune/best-companies/2011/snapshots/86.html>. Accessed: May 9, 2014
64. <http://familiesandwork.org/downloads/2014NationalStudyOfEmployers.pdf>, p. 20. Accessed: May 9, 2014.
65. “Beyond the Breadwinner,” p. 14.
66. Friedman, et al., “Work & Life: End of the Zero Sum Game,” *Harvard Business School Review*. 1998.
67. <http://www.dol.gov/nz/er/bestpractice/worklife/makingitwork/checklist.asp>. Accessed: May 9, 2014.
68. <http://corporatevoices.wordpress.com/2011/01/05/walking-the-talk-creating-a-culture-of-flexibility/>. Accessed: May 28, 2014.
69. <http://www.northcoast99.org/docs/flexible-work-trends-and-best-practices.pdf>. Accessed: May 9, 2014.
70. <http://www.mass.gov/anf/docs/hrd/policies/files/pol-flextimeguide.doc>. Accessed: May 9, 2014.
71. *Id.*
72. Marianne DelPo Kulow, “Legislating a Family-Friendly Workplace: Should It Be Done in the United States?,” 7 *Nw. J. L. & Soc. Pol’y.* 88 (2012). <http://scholarlycommons.law.northwestern.edu/njls/vol7/iss1/3> See also: <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1010&context=legal>. Accessed: May 13, 2014.
73. <https://www.gov.uk/flexible-working>. Accessed: May 13, 2014
74. Slaughter, “Why Women Still Can’t Have it All.”
75. http://www.nationalpartnership.org/site/PageServer?pagename=work_family_database_flexibleworkschedules; in 2009, Connecticut, Mississippi, Virginia, California, and New Hampshire (House Bill 663) considered legislation as well; <http://open.nysenate.gov/legislation/bill/A7411-2009>; There is no equivalent bill in New York. However, in 2009, a bill (A-7411) was proposed in Albany that

would have required a report by state agencies to the Department of Civil Service regarding feasibility of alternative work schedules and flexible hours programming within such agencies.

76. <https://www.govtrack.us/congress/bills/113/s1248>. Accessed: May 9, 2014.
77. *Mont. Code Ann.* § 2-18-107.
78. *Or. Rev. Stat.* § 240.855 (2011).
79. <http://women.vermont.gov/sites/women/files/pdf/Workplace%20Laws%20for%20VT%20Workers.pdf>. Accessed: May 9, 2014.
80. <http://www.sfxaminer.com/sanfrancisco/parents-and-caregivers-in-city-may-soon-request-flexible-work-schedules/Content?oid=2595360>. Accessed: May 9, 2014.
81. <http://open.nysenate.gov/legislation/bill/A9279-2013>. Accessed May 28, 2014
82. <http://opinionator.blogs.nytimes.com/2014/04/20/to-reduce-inequality-start-with-families/>. Accessed: May 9, 2014.
83. http://www.21cforall.org/sites/default/files/pdf/21cforall_workfamily.pdf. Accessed: May 24, 2014.



NEW YORK CITY COMPTROLLER
SCOTT M. STRINGER

MUNICIPAL BUILDING • 1 CENTRE STREET, 5TH FLOOR • NEW YORK, NY 10007

PHONE (212) 669-3500 FAX (212) 669-8878

WWW.COMPTROLLER.NYC.GOV