



WOMEN'S BUREAU

U.S. DEPARTMENT OF LABOR, OFFICE OF DISABILITY EMPLOYMENT POLICY

WOMEN'S BUREAU

Advancing Workplace Flexibility Policy and Practices

SYNTHESIS REPORT

SEPTEMBER 30, 2011

PREPARED BY

SOCIAL DYNAMICS, LLC
IN PARTNERSHIP WITH
WIDER OPPORTUNITIES FOR WOMEN

PREFACE

This document is one of the outcomes of the Memorandum of Agreement (MOA) between the U.S. Department of Labor Office of Disability Employment Policy (ODEP) and the Women’s Bureau (WB) (signed 8/9/2010) to encourage and assist employers to expand and promote the use of flexible workplace strategies, including those focused on flexibility around job tasks for people with complex employment situations. As part of the MOA, ODEP and the WB co-hosted the Workplace Flexibility Forum *Advancing Workplace Flexibility Policies and Practices* (Forum) (01/24/2011). During the Forum, workplace flexibility and disability subject matter experts shared best practices and research, identified knowledge gaps in the field of workplace flexibility, and offered suggestions for moving workplace flexibility forward in American workplaces. This document is a compilation of recommendations from the Forum. A list of Forum participants, the Forum agenda, and other Forum documents are included in the Appendices.

This document was produced under U.S. Department of Labor Contract No. GS1CF0042M, Order No.DOLF109431029 by Social Dynamics, LLC. The opinions expressed herein do not necessarily reflect the position of the U.S. Department of Labor nor does the mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Labor.

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EXECUTIVE SUMMARY

On January 24, 2011, the Office of Disability Employment Policy (ODEP) and the Women’s Bureau (WB) joined to build upon the President’s message that workplace flexibility is critical to strengthening our nation’s economy and families. The ODEP-WB workplace flexibility Forum was designed to develop concrete recommendations for the local, State, and Federal advancement of workplace flexibility policy and practices for all employees, including individuals with disabilities. Current workplace flexibility policies and practices primarily revolve around “time and place”; i.e., the time a task is performed and the place where it is performed. The goals of the Forum were to build upon the national dialogue around these existing strategies, and to expand them to include flexibility around the way actual job tasks are performed, including through job-task negotiation. This latter consideration assists people with complex employment situations achieve not only a work-life balance, but in many cases can actually enable them to become employed. Through this type of workplace flexibility, such workers are able to successfully accomplish particular jobs which they might not otherwise be able to accomplish. Thus, in designing the Forum, ODEP and the WB sought to blend the evidenced-based strategy of job task negotiation validated through ODEP’s Customized Employment (CE) research with the WB’s goal of promoting workplace flexibility for all workers. These efforts support U.S. Department of Labor Secretary Hilda Solis’ strategic goal of assuring workers have fair and high-quality work-life environments, including workplace flexibility options that assist workers balance their work and personal/family obligations.

The Forum defined workplace flexibility as a Universal Strategy¹ that can meet the needs of all employers and their employees, which includes when, where, and how work is done. The following are key findings from the Forum, research on the impact of flexible workplace strategies, employers’ promising practices, and resources that support employers and employees, especially those with complex employment situations.²

- **Many workers do not have access to workplace flexibility.** Despite the growing body of research on the positive impact of workplace flexibility arrangements on both employers and employees, large segments of the U.S. labor force—particularly low-wage workers in various occupations and industries—continue to have limited access to flexible workplace options. This is because most industries that pay low-wages to

¹ Universal Strategy or Universal Design (UD) refers to making products, environments, operational systems, and services welcoming and usable to the most diverse range of people possible. Its key principles are simplicity, flexibility and efficiency. Originally developed in response to the needs of the aging population and people with disabilities, UD has much broader applicability. It increases ease of access to products, places and services for multiple, diverse populations. Using UD means that facilities, programs, and services take into account the broad range of abilities, ages, reading levels, learning styles, languages and cultures in their diverse workforce and customer base.

² People with complex employment situations can include parents with young children, single parents, workers who are caregivers to other family members, workers attending higher education courses, mature workers, individuals with disabilities including veterans with disabilities, at-risk youth, mature workers, and ex-offenders.

workers tend to not have workplace flexibility arrangements. Because women, people of color, and individuals with disabilities are more likely than white males to work in low-wage occupations (Gatta, Klayman, & Herbert 2011), they are less likely to work for an employer who provides workplace flexibility.

- **Workplace flexibility arrangements must be seen as a universal business strategy that may benefit all workers regardless of job position or occupational industry.** Most workers, regardless of their wages, training, and job skills, could benefit from access to workplace flexibility. Creating workplace cultures focused on improving business operations and profitability, as well as improving workers' abilities to better balance work and family responsibilities are important workplace flexibility as well as business considerations.
- **Successful workplace flexibility requires a supportive workplace culture.** Three main components of workplace culture need to be addressed to successfully implement workplace flexibility. These are:
 - Development of a better understanding about many employees' complex employment situations;
 - Removal of the frequent misconception by some colleagues that flexible work arrangements are only available to certain employee groups. This misconception often prevents many workers from asking for or using flexible workplace strategies.
 - Open communication and dialogue between employers and employees
- **Misconceptions of workplace flexibility need to be addressed.** As workplace flexibility becomes more prevalent in business operations, many employers' and employees' misconceptions and concerns about workplace flexibility will be allayed. These misconceptions include the belief that flexible strategies are too expensive, employees take unfair advantage of workplace flexibility options, workers will not be available when needed, and workplace flexibility is too difficult to successfully implement. As Sara Manzano-Diaz, Director of the Women's Bureau, stated, *"We need to have a conversation on what is the new workplace 'normal' and bring our labor policy in sync with the expectation that workplace flexibility is an essential element of business practice and policies. This will reduce employers' belief in the misconceptions about use of workplace flexibility and motivate them to use it as a strategy that benefits their employees as well as their own bottom line as business owner."*
- **Workplace flexibility assessments can help employers select appropriate strategies for their respective businesses.** Some misconceptions about workplace flexibility, such as believing it's too expensive and/or logistically difficult to implement, are common reasons some employers choose not to review workplace flexibility possibilities. Flexibility means many things to many people, and it should not be taken for granted that "one-size fits all." Using a workplace culture assessment instrument can help with

the selection of the most appropriate strategies for each business and provide a better understanding of workplace culture and its amenability to certain flexible strategies. At the same time, considering and assessing the individual skills and contributions of specific employees can lead to individualized workplace flexibility plans that can include strategies around where, when and what the employee is doing related to the job tasks.

- **Open communication between employers and employees is an essential element in creating a successful workplace flexibility program.** Ongoing communication concerning the innovative reshaping of job tasks, when needed, will also help employers continue to improve their business operations and increase employees' morale and productivity. Effective communication between employers and employees creates a more welcoming work environment to implement workplace flexibility.
- **A culture of flexibility means that flexible options are fully integrated into the work environment.** Employers that encourage employee input on the use of universally accessible flexible work options and flexible strategies, rather than available to only certain target groups, without penalty or retaliation creates a culture of workplace flexibility workplace integration.
- **Although reasonable accommodation(s), as provided to eligible workers under the Americans with Disabilities Act (ADA), can be offered to workers along with traditional workplace flexibility arrangements, there is an important distinction between the two.** Reasonable accommodation by employers is required under the ADA for qualified workers with disabilities so they can perform the essential functions of their jobs. Reasonable accommodation ranges from making adjustments or modifications to the physical work environment, to restructuring the job, to providing certain assistive equipment to an employee, as well as simply offering flexible scheduling. Workplace flexibility can be a reasonable accommodation, while a reasonable accommodation may not always be a workplace flexibility offer to an employee. Workplace flexibility, however, can often reduce the need to provide reasonable accommodations for workers with disabilities.
- **Strategies exist that can help employers and employees better understand the mutual benefits of workplace flexibility.** To better understand workplace flexibility and how it benefits both employers and employees, Forum participants suggested short-term workplace flexibility tryouts. Such a strategy would allow employees and employers to directly experience the benefits of flexible strategies and customize them as needed in their workplace. Other suggestions included the use of a variety of existing resources on workplace flexibility, such as those maintained by the Sloan Work and Family Research Network and Corporate Voices for Working Families. Such resources include evidence-based employer research on the positive outcomes of workplace flexibility for not only employees but employers as well. For example, research by the BOLD Initiative (2005)—a project based on interventions in ten major U.S. firms—has shown that flexible work

options can serve as a tool for increasing corporate performance, reducing paid time off, and improving employee retention and morale. Research by Corporate Voices for Working Families also indicates important business outcomes from flexibility. These organizations' Websites offer information and cogent research on existing workplace flexibility policies. Also suggested were social media platforms, including Facebook, Twitter, and YouTube, that can assist in creating awareness about workplace flexibility benefits to employers and employees.

- **The use of employers' promising practices regarding workplace flexibility arrangements can facilitate the recruitment and hiring of people with complex employment situations.** Promising practices include employment networks, Intranet technology to automate self-scheduling, and other more traditional flexible practices. Successful flexible workplace arrangements can include the following: flextime, compressed work-week scheduling, reduced hours/work-week scheduling, job sharing, telework, and job-task negotiation. Researchers describe the growth of telecommuting as an employment alternative and its application for employees with disabilities and propose a research agenda to examine the best use of telecommuting for meeting the needs of employees with disabilities (Anderson, Bricout, & West, 2001; Pratt 2000).

To provide impetus for business to create a Universal Workplace Flexibility Strategy, Forum participants suggested the creation of a Workplace Flexibility Strategies for Consideration (WFSC) document. This document, drafted by ODEP and the WB, includes recommendations from the Forum that, if implemented, would likely increase the awareness and utilization of workplace flexibility. The WFSC calls for the Federal government to:

- provide leadership
- generate opportunities and support for employer training and technical assistance
- communicate the benefits of workplace flexibility to both public- and private-sector entities
- develop standards for designing and implementing state-of-the-art policies and practices

INTRODUCTION

“Workplace flexibility isn’t just a women’s issue, it’s an issue that affects the well-being of our families and the success of our businesses, it affects the strength of our economy and whether we will create the workplaces and jobs of the future we need to compete in today’s global economy.” President Barack Obama

On January 24, 2011, the Office of Disability Employment Policy (ODEP) and the Women’s Bureau (WB) joined to build upon the President’s message that workplace flexibility is critical to strengthening our nation’s economy and families. These two agencies brought together business and government leaders, as well as workplace flexibility and disability experts to participate in a forum called *Advancing Workplace Flexibility Policy and Practices [Forum]*. The goal of the January 24, 2011 Forum was to identify emerging workplace flexibility business strategies and provide recommendations for promoting and encouraging workplace flexibility for people with complex employment situations, including those who must balance work and family responsibilities, formal and informal caregivers, older workers with chronic conditions, veterans with post-traumatic stress disorders, people with disabilities (including those with HIV/AIDS), and workers who value a balance between work and their personal lives. An impressive cross-section of more than 25 experts participated, including experts in workforce development, disability employment, research and workplace flexibility, as well as representatives from government, and advocates for people with complex employment situations. [See Appendices A, B, and C for the Forum agenda and lists of participants.]

Broad changes in the American workforce have created challenges for American businesses in terms of recruiting and retaining needed employees, while also reducing costs to remain both domestically and globally competitive. In the last 20 years, the United States has seen significant increases in its labor force of dual-earner families, single-parent families, mature workers, and individuals with disabilities, as well as low-wage workers. American workers are also earning less than they did 20 years ago as the BLS 2011 consumer price index [the report on the average cost of goods and services] shows that a \$50,000 annual salary in 1990 would need to be \$86,427 in 2010, to maintain the same standard of living (Bureau of Labor Statistics, 2011). These social and economic changes mean that most American workers must work longer hours to make ends meet while also trying to fulfill their family and personal obligations.

ODEP-WB PARTNERSHIP

The U.S. Department of Labor’s Office of Disability Employment Policy (ODEP) provides national leadership on the development of disability employment policy by encouraging the use of evidence-based disability employment policies and practices, building collaborative partnerships, and conducting research on the employment of people with disabilities. The Women’s Bureau (WB), also an agency within the U.S. Department of Labor, develops policies and standards, and conducts inquiries to promote and safeguard the interests of working

women, to advocate for equality and economic security for themselves and their families, and to promote quality work environments. In partnership, ODEP and the WB coordinated the *Advancing Workplace Flexibility Policy and Practices Forum* to focus on effective workplace flexibility strategies, employers' promising practices, and employment resources that can assist people with complex employment situations, including but not limited to people with disabilities, and to develop potential strategies that can be undertaken to advance the availability and use of workplace flexibility strategies.

WORKPLACE FLEXIBILITY DEFINED

Workplace flexibility is a business strategy that allows workers to make choices about the core aspects of their work, such as when, where, and how long their work is performed, as well as the specific tasks that they perform at work. Though traditional and well-known types of work flexibility (such as telework, flex-time, paid and unpaid leave, and job sharing) are most often used, less traditional methods (such as phased retirement) are also helpful in assisting workers achieve an improved work-life balance. Various flexible strategies can be offered to employees and combined to address the needs of employees with complex employment situations. The ODEP-WB Forum expanded the scope of traditional workplace flexibility to include flexibility around job tasks through job-task negotiation—that is, understanding the ways an individual's job can be structured or restructured so that it meets the needs of both the employer and employee as an important addition to the traditional workplace flexibility definition that focuses only on time and place.

Flexible workplace strategies can meet the needs of a wide range of employee groups, including those who must balance work and family responsibilities, formal and informal caregivers, older workers with chronic conditions, veterans with post-traumatic stress disorders, people with disabilities (including those with HIV/AIDS), and workers who value a balance between work and their personal lives.

WORKPLACE FLEXIBILITY VERSUS ACCOMMODATION

Although “reasonable accommodation” that is covered under the Americans with Disabilities Act (ADA) can frequently be provided along with flexible workplace strategies, there is an important distinction between the two. Under the ADA, a reasonable accommodation is required³ to be provided by an employer upon the request of an employee. This requirement is designed to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”⁴ Reasonable accommodation can range from making adjustments or modifications to the physical work environment, to restructuring the job, to providing certain assistive equipment to an employee, or simply offering flexible scheduling. Workplace flexibility can be a reasonable accommodation, while a reasonable

³ It is required unless the employer can show an “undue hardship” on the operation of the employer's business, as defined by the ADA.

⁴ Americans with Disabilities Act, Findings and Purpose, 1990).

accommodation may not always be a workplace flexibility offer to an employee. Workplace flexibility, however, can often reduce the need to provide reasonable accommodations for workers with disabilities.

By comparison, “workplace flexibility” is a business strategy designed to improve the work-life balance, morale, and physical and mental health of employees and which also increases a business’ productivity and operations. Workplace flexibility policies and practices are effective management tools that can be used to enhance the workplace while improving workers’ job satisfaction. Workplace flexibility can also provide a significant return on investment to business owners. Workplace flexibility, however, is not a substitute for a reasonable accommodation provided to individuals with disabilities.

INITIATIVES TO ADVANCE WORKPLACE FLEXIBILITY

The topic of workplace flexibility has garnered much attention and debate in recent years. In 2003, the Alfred P. Sloan Foundation launched the National Workplace Flexibility Initiative, a collaborative initiative of business, labor, government, and advocacy groups to make workplace flexibility a standard practice among business and industry (Christensen & Schnieder, 2010). The Sloan initiative maintains that this practice should occur not only in government, but also in the private sector. This collaborative effort is designed to shape workplace flexibility as a compelling national issue, providing an essential step toward the long-term goal of making workplace flexibility the standard way of working in America. The Sloan Foundation has articulated three complementary strategies: (1) increase public understanding of workplace flexibility through the news media, while reframing the discussion about flexibility as a strategic business tool rather than as a personal favor or employee accommodation; (2) increase voluntary private-sector efforts to implement workplace flexibility without jeopardy to employees through the use of quality research and a local awards program that is partnered with chambers of commerce; and (3) create a climate in Washington, D.C. whereby members of Congress will assume responsibility for pursuing viable, bipartisan, workplace flexibility policy ideas.

In March 2010, the Obama Administration held the White House Workplace Flexibility Forum, where small business owners, policy experts, workers, and labor and business leaders convened to discuss the importance of creating flexible work environments to allow workers the opportunity to balance the demands of work and their personal obligations. Soon after the Forum, the White House Council on Women and Girls issued a Work-Flex Event Starter Kit that included online resources and materials to help employers, employees, policymakers, and other key workplace stakeholders continue the conversation of workplace flexibility benefits.

Background on the Office of Disability Employment Policy and Women’s Bureau Partnership

In partnership, ODEP and the WB coordinated the *Advancing Workplace Flexibility Policy and Practices Forum* to focus on effective and reasonable workplace flexibility strategies, promising practices, and resources that impact people with complex employment situations, and to develop strategies that may be undertaken to advance the availability and use of workplace flexibility in all employment sectors. The ODEP-WB Forum was designed to build upon existing workplace flexibility policies and practices to include flexibility around job tasks, in addition to flexibility around job time and place. The Forum also built upon existing WB initiatives.

Women’s Bureau’s Dialogues on Workplace Flexibility

Following the lead of the White House’s efforts, the WB launched a National Dialogue on Workplace Flexibility that took place across the country in ten cities. The WB Dialogue engaged nearly 2,000 participants representing the academic and research community, advocacy groups, union representatives and members, workers, government officials, and more than 600 businesses. This Dialogue raised awareness of the importance of workplace flexibility for employers and workers to stimulate conversation around best practices and cutting-edge research. The WB forums included focus areas such as manufacturing, hotel and tourism, retail, health care, professional services, and the needs of small businesses and hourly workers

The Women’s Bureau has a long history of working with employers and the advocacy community to support and promote workplace flexibility options and best practices, including programs designed to assist employers with implementation through business-to-business mentoring and technical assistance and a workplace flexibility research and resources clearinghouse which was established in the 1980s.

ODEP’s Workplace Flexibility Initiative

Through ODEP’s evidence-based research on Customized Employment, flexibility through job task negotiation was found to be a powerful work strategy for recruitment, retention, and productivity for addressing the need for a diverse talent pool. This pool of workers includes technology-savvy younger workers, mature workers seeking phased retirement, individuals with disabilities, including those with the most significant disabilities, and people with limited English proficiency. This research changed previous workplace flexibility practices by adding a third dimension of flexibility of job-task negotiation as a means to employ many diverse individuals who otherwise might not be able to participate in employment or were assumed by employers and the workforce system to be unable to be employed at all. Using this evidence-based data, ODEP discovered a clear connection between job-task flexibility and Universal Design (UD) strategies for individuals perceived as “unemployable” or “hard to serve” within all

employment development systems—including education, workforce and economic development. This evidence supported connecting the strategy of growing the workplace flexibility movement with the innovative approach of promoting flexibility through job-task negotiation.

ODEP supports the use of UD as an effective strategy for increasing the inclusion of people with diverse abilities and talents, in both the workplace environment and the workforce system as a whole. UD is a strategy for making products, environments, and operational systems and services welcoming and usable to the most diverse range of people possible. Its key principles are simplicity, flexibility, and efficiency. UD is a lens through which every aspect of a business can be viewed, and a set of tools by which products, services, customer satisfaction, and employee attraction and retention can be improved. UD in the workplace can be applied in areas related to products, services, the physical environment, communications, and technology. Thus, UD is much related to workplace flexibility in that offering workplace flexibility to every employee can be considered a UD workplace practice.

Because of the WB's focus upon encouraging employers' adoption and implementation of workplace flexibility policies and practices, ODEP sought a partnership with this DOL sister agency. In August 2009, ODEP and the WB signed a Memorandum of Agreement [MOA] to expand the understanding and use of workplace flexibility strategies for employees with complex employment situations, including but not limited to disability. This MOA resulted in the ODEP-WB Forum. It was designed to build upon existing workplace flexibility policies and practices to include flexibility through job task negotiation, in addition to flexibility around job time and place. The Forum also built upon the WB's Workplace Flexibility Dialogues. On September 30, 2011, another MOA between the two agencies was signed to continue the partnership to expand and promote the use of flexible workplace strategies among employers, particularly relating to the hiring and career advancement of individuals with disabilities (including female and male disabled veterans), and others with complex employment situations.

WELCOMING REMARKS

Developing a Plan to Increase the Use of Workplace Flexibility by People with Complex Employment Situations

Kathleen Martinez, Assistant Secretary of the Office of Disability Employment Policy, opened the Forum by highlighting the importance of job quality and universal access to workplace flexibility. She framed workplace flexibility as a way to “level the playing field” by allowing more people to have flexibility in terms of the time, task, and the place of their work. She also spoke of the need for individuals with disabilities to have an equal chance to obtain good jobs and reap the benefits of employment and career advancement and her view that flexible workplace strategies are a way to get more individuals with disabilities into the workforce. The Women’s Bureau’s Director, Sara Manzano-Diaz, discussed the importance of helping all employers, regardless of business size and industry sector, to implement flexible strategies and make stable employment a reality for everybody. The Secretary of the U.S. Department of Labor, Hilda Solis, emphasized the importance of *“reintegrating people with complex employment situations into the labor market by increasing the availability of flexibility around job tasks and getting people into training programs that help them make connections with the right employer where they can be successful and truly realize their dreams.”*

PANEL PRESENTATIONS

Framing the Discussion

Panel presentations were made by Ellen Galinsky, M.A., President and Co-Founder of the Families and Work Institute; Joseph Wallis, Senior Diversity Program Manager for Microsoft Military Recruiting; Richard Luecking, Ed.D., President of TransCen, Inc.; and Maggie Leedy, M.A., Director of Workforce Development at TransCen, Inc.

Ellen Galinsky, M.A., Co-Founder of the Families and Work Institute⁵

Galinsky presented recent findings from the *National Study of the Changing Workforce (NSCW)*, a study she began in 1977. She compared NSCW data from 1977 and 2007, describing a changing workforce that is quite different today than it was some 30 years ago. According to Galinsky, more than two-thirds of the American workforce are over 40 years of age, compared to just 39 percent in 1977. In today’s workforce, about one in five workers are people of color and about one-half are dual-earner couples. She also talked about several changes in the

⁵ Ellen Galinsky holds a Master of Science degree in Child Development/ Education from Bank Street College of Education and a Bachelor of Arts degree in Child Study from Vassar College and numerous honorary degrees.

employment status and caregiving roles of men and women since 1977. For example, today, one out of every four women earns at least 10 percent or more than her husband or partner. At the same time, about one-half of men say that they take equal or more responsibility for the care of their children; and 15 percent more men than women report experiencing *work-life conflict*. She also emphasized the importance of workplace flexibility for low-wage workers, many of whom are working parents, mature workers, and individuals with disabilities, and relatively few have access to flexible workplace options. According to Galinsky, only 34 percent of low-wage employees have access to traditional flex-time, compared with 49 percent of higher-wage workers. Low-wage employees are also less likely (65 percent) to get paid vacation time compared with higher- paid workers (85 percent) and more likely to feel that they will not advance in their job if they use the flexible options that are available to them, due in part to the stigma that is sometimes associated with their use. According to Ms Galinsky, *“it is not enough to offer flexibility. It has to be sanctioned by business leaders and accepted as an important business strategy.”*

Joe Wallis, Senior Diversity Program Manager for Microsoft Military Recruiting

Joe Wallis spoke of Microsoft’s efforts to help military veterans return to work. The company offers flex-time, telecommuting, compressed workweek scheduling, part-time work arrangements, and job sharing to military veterans to make it easier for them to return to work after a temporary deployment. The Military Recruiting Program helps veterans search for jobs at Microsoft while they are deployed so they have a job available when they are ready to return to civilian life. Microsoft also makes up the difference between company and military wages and continues employee benefits for family members of deployed veterans. According to Wallis, the reason why workplace flexibility is successful at Microsoft is because managers have a lot of latitude regarding the types of arrangements they can authorize for their workers. This latitude allows them to be creative when customizing jobs to meet the skills and life-style of each employee, rather than hiring employees to fit the parameters of a certain job. Wallis also described a high level of trust among employees, which is a key ingredient in the success of the program.

Richard Luecking, Ed.D., President of TransCen, Inc., and Maggie Leedy, Director of Workforce Development, TransCen, Inc.

TransCen, Inc. of Rockville, Maryland, helps employers provide flexible workplaces for job candidates that have complex employment situations. Richard Luecking, president of TransCen, emphasized the importance of meeting the needs of each job candidate by understanding the employer’s need. Luecking described how workplace flexibility has been used internally at TransCen to find suitable job candidates to manage many of the company’s administrative and programmatic functions. He talked about being introduced to a military veteran who was a single mother in her mid-twenties, just back

from a tour in Iraq: *“The job candidate had a significant case of post-traumatic stress disorder but was able and willing to work if the job included certain flexible workplace options so she could meet her family caregiving responsibilities and her career goals.”* As a single mother, she needed a part-time job that offered flexible scheduling and a set of specific tasks that she could perform.

According to Luecking, *“as her employer, what's ideal for us is that she's assigned to one specific area of tasks that we needed a lot of help with and she does them perfectly, like clockwork, so that every Thursday morning when I come into the office there's a stack of accounts receivables that I can go through and prepare to be sent out.”* The tasks of TransCen's Accounts Receivables Manager are a subset of certain tasks that are required in the organization's accounting department. Among TransCen's 50 employees, about 20 percent have some type of workplace flexibility. Many of them work from home and have the option of flex-scheduling and flexibility around their job tasks, which allows them to change their work schedule week-to-week and focus on a small number of discrete tasks.

Maggie Leedy spoke of her career at TransCen helping individuals with disabilities find flexible employment opportunities. Leedy has been involved in workforce development and disability employment her entire career. She is also a single mother and cancer survivor who has Traumatic Brain Injury (TBI), the result of a near fatal car accident that occurred several years ago. Leedy spoke of her own need for flexible workplace options and how they improved her personal and professional lives by allowing her to return to work, care for her young child, and attend to her own healthcare needs. As an employee at TransCen, Leedy works 4 hours a day: *“A lot of things I have learned about workplace flexibility I learned through my own experiences as well as those of the many people I help at TransCen. By identifying people's flexibility needs we can figure out what each job candidate needs to really be able to do a job, what kind of flexibility and accommodations are necessary, and what it's going to take for them to succeed at work. Through this process I've assisted hundreds of people to become successfully employed.”*

PARTICIPANT DISCUSSION

Christine Griffin, Deputy Director, Office of Personnel Management (OPM)

Christine Griffin provided an overview of the recent passage of the Telework Enhancement Act signed by President Obama in December 2010. This legislation provides Federal agencies greater flexibility in managing their labor force and is the first government-wide effort to make work both more accessible and more efficient. To maximize the impact of this new law, OPM is coordinating efforts to build effective telework programs with three key objectives in mind: 1) improve Continuity of Operations (COOP); 2) promote management effectiveness; and 3) enhance work-life balance.

Justin Johnson, Deputy Chief of Staff, OPM

Justin Johnson provided more details about the Telework Enhancement Act. The Act provides a *“great framework through which all Federal agencies can take a systematic view of the telework program to make changes in the way they use this type of workplace flexibility.”* OPM’s initial guidance on the Telework Enhancement Act highlighted the three objectives in the previous presentation by Griffin. According to Ms Johnson, *“We need to acknowledge the realities of the demands on our time. The world is changing and many of us need to work from home at some point during any given week. We need formal policies to allow us to do this systematically and we must be able to say that we need telework in our agency because it will lead to improvements in productivity.”* One of OPM’s goals is to increase the number of Federal workers using telework. OPM also is working to identify ways telework can benefit workers at all levels of the government from entry level through management and senior executive staff.

PANELIST QUESTION-AND-ANSWER SESSION

After the panel presentations, David Mank, Ph.D., Director of the Indiana Institute for Disability and Community, moderated a question-and-answer session with the panelists. The discussion that followed reiterated the importance of helping people with complex employment situations and their employers to be more aware of the importance flexible workplace strategies, including their economic and societal benefits, and ways of encouraging employers to use them.

If I am an employer and I'm hearing about workplace flexibility for the first time, what would you say to me are the tangible or intangible benefits to my business?

- According to Joe Wallis, *“since we’ve implemented workplace flexibility, company data indicate that operating costs have gone down and sales have increased, and employee retention and job satisfaction have also improved. We can point to the return on investment related to workplace flexibility.”* Maggie Leedy spoke of the importance of *“selling the employer on the job candidate’s skills, charm, and work ethic first, because in order to have a high-performing workplace you need to have employees who are committed and highly qualified. Workplace flexibility is an obvious way to make that happen because it increases the relative universe of people you can recruit from. Workers are more attracted to an employer that has a flexible work environment.”*
- Ellen Galinsky emphasized the importance of moving away from the “industrial vision of the workplace in the 20th century” and to embrace the social, economic, technological, and demographic changes of the 21st century. *“We must rethink how work gets done. Our definition of flexibility is that it has to work for both the employer and the employee. When we ask employers who have flexible options the main reason they do it, they say it’s because of the improvements they see in employee retention, but as importantly, it’s also because they have employees that are more fully engaged because they can meet both their professional and personal obligations more easily.”*

If I am an employee and I feel that my job might be in jeopardy if I use my employer’s flexible workplace options, what would you say to me?

- Kathleen Martinez sees workplace flexibility as a *universal strategy* that helps everybody be more productive. She mentioned that workplace flexibility *“takes the specialness out of the equation [regarding individuals with disabilities]. It’s a universal practice. Everybody is given certain tools that make them more productive. Workplace flexibility is just one of those tools. People shouldn’t be too concerned about using flexible workplace options when they’re available. They’re for everybody. They equalize the playing field for all people with complex employment situations.”*

- According to Ms Galinsky, *“lower-wage employees are more likely than higher wage employees to feel that if they used flexibility, they would be less likely to get ahead in their jobs or careers.”* This situation also is common among individuals with disabilities, as research has shown that those who use flexible options and/or seek and receive reasonable accommodations are often stigmatized as being the recipients of *“corporate favoritism”* (Ainlay, Becker, & Coleman, 1986).
- Several forum participants also suggested that stigma can be reduced by exposing workers, including corporate executives, managers and front-line workers to workplace flexibility. The fear of hiring people with complex employment situations comes from a lack of understanding. Getting to know them and how they can positively impact the work environment is a critical first step in designing a successful workplace flexibility program.

What are the differences between workplace flexibility and reasonable accommodations?

- Maggie Leedy highlighted the differences between reasonable accommodations under the Americans with Disabilities Act (ADA) and workplace flexibility. *“When Joe Wallis talked about the ‘special chair’ that an injured military veteran was given to make him more comfortable at work, that’s not workplace flexibility. It’s a reasonable accommodation. If the flexibility requested by an employee is related to the set of tasks an employee performs at work, it is also covered under the ADA as a reasonable accommodation, as long as the employee can perform the essential tasks of the job. On the other hand, the courts have sometimes found undue burdens when the employee cannot perform the central tasks and other people have to perform them.”*
- Christopher Button, of the Office of Disability Employment Policy mentioned that *“workplace flexibility is a universal strategy that is available to everybody, including but not limited to people with complex employment situations. Within the context of the generic workforce, many people have a variety of complexities in their life that result in the need for a range of different flexible workplace strategies. It can be flexibility around the time work is done or the job tasks that an employee does. Reasonable accommodations can be provided through various workplace flexibility strategies. At the same time, workplace flexibility strategies should be available to all workers as a way to increase their productivity and job satisfaction, and this may not be related to reasonable accommodation in the legal sense.”* Thus, as a universal strategy, all people should have access to workplace flexibility so that they can substantially contribute to the economic security of their families. The goal is to increase and optimize productivity for the employer.

- Kathleen Martinez commented that *“there's going to be a blending of the two. The difference depends largely on how the employer defines workplace flexibility. If an employer considers telework to be workplace flexibility it should be given to everybody not just a person who has a targeted disability. If it is considered a reasonable accommodation, than it would be available only to individuals with disabilities.”*

What kinds of policies will help employers implement workplace flexibility?

Central to the successful implementation of workplace flexibility is the need for a public policy agenda that incentivizes businesses and organizations. The only Federal work-family legislation is the 1993 Family and Medical Leave Act (FMLA) which ensures 12 weeks of unpaid, job-protected leave for eligible workers to care for themselves or a family member experiencing a “serious medical condition.” Before being able to access FMLA leave, a worker must have been employed by an employer having at least 50 employees for one year and worked at least 1,250 hours.

There is no federal legislation mandating workplace flexibility. However, in many European countries, legal mandates are available to workers. The *“right-to-ask” principle* is a right provided to workers in the United Kingdom and several other European countries. United States’ legislation that supports a worker’s “right to ask” employers for flexible options without fear of retaliation and includes tax incentives for employers that successfully implement flexible workplace strategies is an important consideration. Policies that provide incentives to employers who implement workplace flexibility and that also set forth concrete workplace flexibility standards can have a positive impact on an organization’s improved operations and profitability, while also improving employees’ lives.

- According to Richard Luecking, one of the things that employers wrestle with is what workplace flexibility means for people with complex employment situations, whether they are working parents, single parents, older workers and/or individuals with disabilities. Patricia Kempthorne, the Twiga Foundation, expressed concerns about government intervention: *“In several policy forums we held around the country, participants were in favor of the government modeling workplace flexibility programs such as the OPM’s telework program. But employers do not want the government telling them what to do and how to do something unless they are willing to implement workplace flexibility in all of their agencies themselves. They don’t want mandated standards or strategies.”* Elizabeth Watson of Workplace Flexibility 2010 spoke of the need to *“. . . change the hearts and minds of employers and employees on the issue. We need to get employers to see workplace flexibility as a business imperative. The government can help in terms of coordinating training and technical assistance. There are some really good tools available that can help employers. But I don’t think policy mandates are practical.”*

- Michael Morris, National Disability Institute, picked up on the point about the “business imperative” for workplace flexibility. He stated: *“There is nothing more positive that we can do than bring government into the debate. What government can do is facilitate a better understanding of the economics of workplace flexibility which means less compliance and more information about how to design and implement it successfully. In terms of policy, if I were a person with a disability and I had a choice between having a discussion with my employer about workplace flexibility versus citing my legal right to reasonable accommodations, I think there would be no contest. I would rely on my legal rights.”* Morris described the *competency divide*, *“The more talent an employee has, the more flexibility she is going to be offered by her employer to produce certain outcomes. For people with disabilities who probably are not perceived to be the most talented employees or the low-income worker with limited workplace clout, we have a very different challenge. These workers are less likely to be offered workplace flexibility, so reliance on the ADA is the only way some workers can have access to things like flexible scheduling.”* Morris favors universal policy of workplace flexibility that helps all workers meet their professional and personal obligations.
- According to Michael Callahan, Marc Gold and Associates, *“You need civil rights as [the foundation] for reasonable accommodation. But what we’re talking about today is changing workplace culture so that it is more amendable to workplace flexibility and that’s going to have to be done voluntarily by individual businesses, not through a Federal mandate.”* Many employers are willing to enter into a *negotiation* with individuals with disabilities that customizes the employment situation. *“We have seen again and again among private and even some public employers,”* stated Callahan, *“a willingness to customize and negotiate job tasks and other forms of flexibility. But it is more difficult working with public employers because the work environment is less flexible. We need to say to businesses, ‘Let’s talk and let’s negotiate.’”*
- Robin Shaffert, Senior Director of Corporate Social Responsibility at the American Association of People with Disabilities agreed with Michael Morris. Shaffert recommended a universal approach: *“We need to have a discussion about what works best in the workplace for everyone. This is much more than asking for a new chair because of a worker’s rights under the Americans with Disabilities Act. We need to examine existing legislation and recommend changes that strengthen all workers’ rights.”*
- Michael Morris recommended tax incentives to encourage employers to use workplace flexibility. According to him, *“with tax policy it’s not just a question of credits or deductions that incentivize a favorable behavior in the same way that perhaps the government is trying to do with energy policy. The future may be in terms of developing some type of unit tax credit or deduction as well as an incentive that will affect a business’ bottom line.”*

- David Mank suggested that simply helping individuals with disabilities and other complex employment situations get into the workforce will have a tremendous impact on employers' bottom lines. To the extent that workplace flexibility advocates can help employers understand and embrace workplace flexibility and use it, as a Nation, everyone will benefit. As the workplace flexibility and disability experts think about workplace flexibility, they need to remember that a range of different types of strategies, some of which are new and innovative (such as flexibility around job tasks) that can make it possible for more people to work who have not been able to find steady and productive jobs are available and used by many companies. The key point is that workplace flexibility can have an enormous impact on government spending if more people become employed.

CAFÉ CONVERSATIONS

The Forum included Café or “breakout” conversations in three areas. Forum participants were asked to discuss one of three general topics for 20 minutes each and then switch to another topic until each participant had the opportunity to engage in a dialogue on all three. What follows is a summary of the discussions on the following topics:

1. **Availability and Use of Workplace Flexibility for Individuals with Complex Employment Needs: Best Practices, Misperceptions, Challenges**
 2. **Recommendations to Advance the Availability and Use of Workplace Flexibility Strategies in the American Workplace: Employers, Government Agencies, Policy Experts, Researchers, etc.**
 3. **Resources To Advance the Availability and Use of Workplace Flexibility, Especially for Individuals with Complex Employment Needs (Web sites, fact sheets, technical assistance, research, tool kits)**
-
1. **Availability and Use of Workplace Flexibility for Individuals with Complex Employment Needs: Best Practices, Misperceptions, Challenges**

Best Practices

Several promising practices were suggested that both facilitate the recruitment and hiring of people with complex employment situations, and create work environments that increase workforce participation.

Technology

- Jennifer Sheehy, U.S. Department of Education, described how a major information technology company restructured its work to accommodate workers’ schedules and skill sets. It developed software that stores the résumés, skill sets, locations, and preferred schedules of every employee in the company. When a project manager has a vacancy, she can quickly query the database to find out which employees meet the skill and scheduling requirements of the vacancy. This computer system minimizes both project and employee downtime. According to Ms Sheehy, “*[the company] also has approached several Departments of Vocational Rehabilitation to help them find work for some of the millions of job seekers with disabilities.*”

Telework

- Danette Campbell, Senior Telework Advisor, U.S. Patent and Trademark Office (PTO), described the United States Patent and Trademark office's telework program, which is in its 14th year of operation. According to Campbell, *"Telework at the United States Patent and Trademark Office (USPTO) is a business strategy that will help the Agency continue to recruit and retain top-talent, positively impact traffic congestion in the Washington metropolitan region, and assist employees in maintaining work-life balance."* Campbell said that in 1997, the Trademark's organization started its Trademark Work @ Home (TW@H) Pilot Program with 18 attorneys who worked from home part time and shared office space with their colleagues when they did travel to the office. In 1999 this pilot was successfully expanded to an additional 60 examining attorneys, and then further expanded to 89 attorneys in 2001, according to Campbell. By 2003 TW@H moved completely to "hoteling" whereby employees completely relinquished their office space on the Alexandria campus to work from home 90 percent of their work week. This initiative enabled the Trademark organization to give up dedicated office space.
- Campbell explained that Telework, now in all business units at the USPTO: (1) incorporates comprehensive training programs, (2) increases workforce without increase of real estate costs, (3) provides for Continuity of Operations planning, (4) Hoteling programs currently in place for Trademarks and Patents, and (5) is not a "one-size-fits-all" initiative.
- In 2011, PTO had more than 6,400 employees working from home anywhere between one and five days a week. *"Productivity is measured by output and outcome,"* asserted Campbell, *"and less about where someone is located."*
- Campbell concluded by saying that, *"Another benefit of our telework and hoteling programs is that many employees are considering extending their years of service with the PTO, partially because of to the telework program, which helps the agency reduce recruiting and hiring costs."*

Flexibility Around Job Tasks

Through ODEP's evidence-based research on flexibility through job-task negotiation using customized employment, providing such flexibility was found to be a powerful work strategy for recruitment, retention, and productivity particularly for individuals with the most significant disabilities and complex employment situations.

- Michael Callahan described a scenario in which flexibility around job tasks was used to help a young man named James enter the job market for the first time.

James was brought to the attention of Callahan who engaged his client in a process commonly known as *Discovery*, which is a critical component of customized employment. Callahan described customized employment as *“a business deal that works for both the job candidate and the employer using methods of individualizing job descriptions to the job candidate rather than training the job candidate to improve his/her skills in a given occupational area”* (Mast & West, 1995; Callahan, 1990). *Discovery* includes identifying attachment points through which the job candidate can network with employers, friends, family, and other individuals in the community to identify key interests, strengths, and skills that may be occupationally relevant. Through this process, it was discovered that James had a strong interest in police work.

Callahan contacted a local police department to negotiate a job for James. The negotiation process includes the creation of a personalized employment relationship between a job candidate and an employer, which fulfills the business needs of the employer and the professional goals of the job candidate. Although James was not qualified to become a police officer, based on an assessment of his skills, he was given the task of assembling informational packets and preparing them for distribution to the community. James now supports a police squad by keeping their equipment inspected, cleaned, and organized. He has been employed with the police department for 12 years. Callahan added: *“James’ work for the sheriff’s department started by meeting the unmet need of filing boxed arrest reports and traffic citations. Over the years James’ job description has changed in relation to specific changing needs within the department. His latest tasks have him organizing the equipment used by a multi-jurisdictional drug task force.”*

Callahan described employers’ willingness to discuss flexibility around job tasks: *“I have found that the job-task negotiation is a ‘door opener’ for other types of workplace flexibility around such things as scheduling. There is no reason why this can’t be done by a job seeker himself, but for some individuals it could be more difficult. The third party actually takes some of the pressure off that may exist around the appropriate interaction between a job candidate and an employer.”*

- Sheila Fesko, Institute for Community Inclusion (ICI) at the University of Massachusetts at Boston, described how ICI uses flexibility around job tasks. At ICI, *“. . . we have some folks who are great at managing people and others who excel at other things. ICI is very flexible in terms of how we think about job tasks and performance. Rather than saying everybody in a certain position must do these five discrete tasks, we assess the skills each person brings to the Institute. Flexibility around job tasks is often used to integrate them into our work. This allows us to structure the work in a way that harnesses the expertise of each one of our employees.”* ICI now has several employees who work part-

time or full-time positions in which they are responsible for a discrete set of tasks that are aligned with their skill set and preferred work schedules.

Other Best Practices

Forum participants discussed additional no- (or low-) cost best practices that can improve employee job satisfaction and productivity.

Schedule control means creating regular and predictable work schedules. Workplace flexibility strategies designed to allow employees more schedule control, which have also been documented to improve employee engagement and job satisfaction are: flextime, compressed time, reduced time, job sharing, teleworking, career exit and reentry, scheduling choices, short-time leave, episodic leave, and extended leave.

- Traditional flextime allows employees to arrange the start and end of their work day around an employer's established core operating hours. The compressed work week permits employees to work their specified hours over fewer days, with some companies even offering "summer hours" in which employees may end their day at 1 p.m. on Fridays as long they work longer days Monday through Thursday. For workers who are looking for fewer hours overall, the reduced time option allows part-time employees to work fewer hours throughout the entire work week (Monday through Friday), while job sharing allows two employees to share one full-time job. Some employers even allow their full-time employees to reduce their hours to as few as 30 per week without losing their "full-time" status and employee benefits such as health insurance coverage, paid vacation, and sick leave. This option allows for employee job security in the event of unexpected or expected life events. Additionally, career-exit and reentry policies allow for flexibility in the entry, exit, and reentry of an employee at the same job.
- Short-term, episodic, and extended time-off policies allow employees to leave work without repercussions when the need arises to care for a family member, for self-care, or to attend to responsibilities unrelated to work. While short-term leave is used by workers who need one to five days off, extended time off is often better suited to the needs of employees (or a family member of the employee) with disabilities and/or chronic health conditions who need to take time off to receive medical care, respite care, rehabilitation, or other health-related services.
- Flex-coupons allow workers take a couple hours off when they need to attend to their non-work obligations. These hours are stored and added to the shift.
- Shift change policies that allow workers to swap shifts with their colleagues. This can include donated leave policies.

Misperceptions

Forum participants identified six misperceptions related to how workplace flexibility benefits both employers and employees, which may make employers less likely to utilize flexible workplace strategies. These issues range from the misperception that workplace flexibility is too expensive, that it is only beneficial to certain groups of employees, that it is logistically challenging to manage, and that it will lead to a less productive workforce. The six misperceptions are listed below with an explanation of the *reality* of how flexible workplace strategies are used to improve business efficiency and reduce costs.

- **Flexible strategies are too expensive to implement**

It's a lot more expensive to have somebody on government support because they're unable to work.

Because workplace flexibility increases employee retention, job satisfaction and engagement, many employers save money by minimizing the time they spend recruiting, hiring and training new employees (See Alfred P. Sloan Foundation's reports on workplace flexibility at: <http://www.sloan.org/books2/studies-reports-briefs>).

- **It's only for special groups, such as individuals with disabilities or women with small children**

Workplace flexibility is a universal strategy that is beneficial to working parents, older workers, individuals with disabilities, and others who seek a balance between their work and personal lives.

One size does not fit all. The belief that employers cannot change a job description to be aligned with the strengths of a job candidate is misguided. Employers need to be shown that job descriptions and the tasks associated with them can be changed (See ODEP's data on Customized Employment projects at: http://www.onestops.info/website.php?page=ce_index).

- **It only works for specific types of workers such as professional, white-collar workers, or workers who perform discrete tasks.**

Flexible workplace strategies have been successfully implemented in the manufacturing, retail, and restaurant/hospitality industries.

- **It is too difficult to manage workers who use flexible workplace strategies.**

Some employers believe that flexible strategies such as telework and flex-time will create logistical challenges. However, these strategies have been used in both the public and private sector with great success.

- **Workers take advantage of workplace flexibility and become less productive.**

Workplace flexibility has been shown to increase employee productivity (See Alfred P. Sloan Foundation's reports on workplace flexibility at: <http://www.sloan.org/books2/studies-reports-briefs>).

Culture of Flexibility

Forum participants felt strongly that businesses must be committed to a "culture of flexibility" that defines workplace flexibility as a *business strategy* rather than a *workplace perk*. Creating an environment where business leaders and employees communicate openly about the financial well-being of the business and its workforce is an essential element of a workplace culture that is amenable to flexibility. A culture of flexibility also means that flexible work options are fully integrated into the work environment; employers are open to employees asking questions and making requests for flexible options without penalty or retaliation; and flexible strategies are universally accessible rather than available to certain target groups.

- Joan Williams, the Center for Work-Life Law, University of California, Hastings, raised an important point about creating a "culture of flexibility particularly for hourly workers." The ability to take personal time in 2-hour segments or to make a telephone call during work to check on a family member are very important kinds of flexibility that are not available to many people. *"When employers do not allow low-wage workers to have any flexibility we see a pattern of serial quitting among single parents and individuals with disabilities. We need to think more about the structure of low-wage employment and how to add flexibility to help people remain employed."*
- Steve Wing, President of Corporate Voices for Working Families, talked about the importance of making workplace flexibility work for both the employer and the employee. He described a study conducted by the University of Kentucky and Boston College on flexibility for entry-level and hourly workers in the retail industry (Swanberg and James, 2010). *"The most important finding from this study was how important the front-line manager is to the culture of the workplace. The front-line manager is integral in terms of discussing things like weekly work schedules and flexible scheduling."* Wing also indicated that flexibility is a useful recruitment tool that helps attract quality employees in two ways. First, it gives employees control of their work schedule, which

for many employees is a necessity. Second, it shows potential employees that the company values its associates.

- Ellen Galinsky, Families and Work Institute, spoke of the importance of engaging senior leadership in the process of developing, implementing, and being involved in the monitoring of workplace flexibility, especially looking at its impact on the bottom line, which tends to be positive. Ms Galinsky believes that *“you need the CEO or the top leadership to talk about how flexibility helps the business and mean it to get greater traction for flexibility in the organization.”*
- Business leaders should share case studies that demonstrate how workplace flexibility can benefit everybody, promote people who are working flexibly, and recognize workers who are working flexibly. Coworker support is another critical ingredient. Employees have to feel that asking for flexibility will not jeopardize their employment or their relationships with other workers.

2. Recommendations to Advance the Availability and Use of Workplace Flexibility Strategies in the American Workplace: Employers, Government Agencies, Policy Experts, Researchers, etc.

- A refined business case that clearly shows the return on investment that can accrue to businesses. Communities of practice (and collaborative partnerships) that include professional organizations such as the Society for Human Resource Management, the Sloan Foundation, and Corporate Voices for Working Families are critical to developing the business case and creating a greater level of awareness of the potential benefits of workplace flexibility.
- Training and technical assistance to disseminate best practices and resources that can help employers understand, design, and implement workplace flexibility programs with an emphasis on training first-line managers. Technical assistance should be modeled on the Job Accommodation Network (JAN), funded by ODEP, where anybody can call, e-mail, or download resources to get the information they need. Training and technical assistance should include the needs of small businesses and low-wage workers for whom workplace flexibility is less likely to be available.
- A centralized government resource that can educate the public on the benefits of workplace flexibility and disseminate best practices to move American businesses toward a culture of flexibility. As Bob Williams of the Social Security Administration suggested, *“One of the things that’s going to be critical is really having people be able to get help when they need it. The idea of technical assistance using the model of the Job Accommodation Network—where anyone can call, or e-mail, or see resources online so they don’t have to sign up for a Webinar in six months—is sorely needed.”*

- Resources in the form of tax incentives, training, and technical assistance geared toward different types of businesses (based on industry and size), and focused on how workplace flexibility can positively impact employers' bottom lines, demonstrating a real return on investment. Michael Morris suggested consideration of revising Section 503 of the Rehabilitation Act to include the requirement that Federal contractors offer workplace flexibility for individuals with disabilities.
 - The Federal government should be a *role model* for the implementation of workplace flexibility based on their various telework programs and by incorporating workplace flexibility into Federal government human resource policies. In addition, flexible workplace options should be integrated into the wide array of programs at the Department of Labor and Small Business Administration, and the Department of Education's employment-related programs.
 - A partnership between the Federal government and the deans of major business schools should examine ways to embed workforce flexibility into business school curricula to engage the future generations of business leaders about flexible workplace strategies.
 - Technology used by American businesses should be Section 508 compliant so that all employees, including individuals with disabilities, can participate in telework programs.
 - The Federal government should fund social science research to better understand and reduce the stigma associated with the use of workplace flexibility. Also, pilot projects on the implementation of workplace flexibility in small businesses, and on flexibility around job tasks will be increasingly important as the number of individuals with significant disabilities in the workforce increases.
3. Resources Needed To Advance the Use of Workplace Flexibility, Especially for Individuals with Complex Employment Needs (Web sites, fact sheets, technical assistance, research, tool kits)
- IPHONE application that provides descriptions of flexible strategies, how they can be implemented, profiles of how workplace flexibility has been used successfully.
 - A One-Stop Career Center website portal on workplace flexibility which would include a blog should be created.
 - Websites such as the Sloan Foundation's Workplace, Work Force, and Working families, the Sloan Center on Aging and Work at Boston College, the Center for Law and Social Policy, Workplace Flexibility 2010, the New America Foundation, the Twiga Foundation, Corporate Voices for Working Families, to name just a few, and government websites that promote existing telework programs and initiatives related to workplace flexibility.

APPENDIX A
Forum Agenda

Advancing Workplace Flexibility Policy and Practices

Sponsored by the Office of Disability Employment Policy and the Women's Bureau

January 24, 2011

<i>Timeline</i>	<i>Agenda Item</i>
8:00 – 9:00 a.m.	Registration/Networking/Continental Breakfast
9:00 – 9:05 a.m.	Call to Order <i>Christopher Button, Supervisory Policy Advisor, ODEP</i>
9:05 – 9:20 a.m.	Welcome and Opening Remarks <i>Kathleen Martinez, Assistant Secretary, ODEP</i> <i>Sara Manzano-Diaz, Director, WB</i>
9:20 – 9:30 a.m.	Welcome and Remarks <i>Hilda L. Solis, Secretary, Department of Labor</i>
9:30 – 9:40 a.m.	Introduction of Forum Facilitator <i>Christopher Button</i>
	Today's Goals / Objectives / Agenda / Logistics <i>David Mank</i>
9:40 – 10:45 a.m.	Workplace Flexibility: The Business Imperative for Workplace Flexibility: <i>Ellen Galinsky, President and</i> <i>Co-Founder, Families and Work Institute</i> Panel Discussion on Workplace Flexibility/Discussion & Q & A Panel Members: -- <i>Joe Wallis, Senior Diversity Program Manager, Military</i> <i>Recruiting; We Still Serve, Microsoft</i> -- <i>Maggie Leedy, TransCen, Inc.</i> -- <i>Richard Luecking, President, TransCen, Inc.</i> -- <i>Ellen Galinsky, Families and Work Institute</i>

10:45 – 11:00 a.m.	Break/Networking
11:00 a.m.– 12:15 p.m.	Dialogue with Forum Participants
12:15 – 1:15 p.m.	Lunch / Networking
1:15	Afternoon Theme: Transforming the Future of Workplace Flexibility
1:15 – 1:30 p.m.	Setting the Stage / Overview of Café Conversation Format - <i>David Mank</i>
1:30 – 3:15 p.m.	<p>Three Cafés for Transforming the Future of Workplace Flexibility</p> <p><i>Café titles are listed below. Questions for each café will be provided to inspire conversation about change that will advance Workplace Flexibility Policy & Practices.</i></p> <p>Café Conversation Facilitators: <i>Karen Flippo, Institute for Community Inclusion;</i> <i>Linda Roundtree, Roundtree Consulting; and</i> <i>Robin Shaffert, American Association of People with Disabilities</i></p> <p>Café #1: Availability and Use of Workplace Flexibility for Individuals with Complex Employment Needs: Best Practices, Misperceptions, Challenges</p> <p>Café #2: Recommendations to Advance the Availability and Use of Workplace Flexibility Strategies in the American Workplace: Employers, Government Agencies, Policy Experts, Researchers, etc.</p> <p>Café #3: Resources to Advance the Availability and Use of Workplace Flexibility, Especially for Individuals with Complex Employment Needs</p>
3:15 – 3:35 p.m.	Break/Networking
3:35 – 3:45 p.m.	Flexibility at Work for People with Complex Situations <i>Michael Callahan, Marc Gold & Associates</i>

3:45 – 4:30 p.m. **Café Conversation Report Outs Followed by Discussion**
David Mank and Café Conversation Table Facilitators

Café Closure: Building Momentum for National Change

4:30 – 4:45 p.m. **Closing Remarks**
Kathleen Martinez, Assistant Secretary, ODEP
Sara Manzano-Diaz, Director, WB

4:45 – 5:00 p.m. **Next Steps, Recommendations Report, Toolkit Feedback,
Contact Information, and Evaluation**
Christopher Button

Please Note: *Christine Griffin, Deputy Director, and Veronica Villalobos, Director of Diversity and Inclusion, Office of Personnel Management, will stop by and provide brief remarks during the Forum.*

Thank you for your participation today!

Café Conversation Questions

Café #1:

Availability and Use of Workplace Flexibility for Individuals with Complex Employment Needs: Best Practices, Misperceptions, Challenges

- What are the employer misperceptions and challenges associated with incorporating Flexible Work Arrangements (FWAs) for employees, especially those with complex employment needs?
- What FWAs do employees say are working well in solving their worklife issues—the Best Practices?
- How do we sensitize a difficult workplace culture to employees worklife needs?
- How do we include flexibility around job tasks in the menu of workplace flexibility options?

Café #2:

Recommendations to Advance Availability and Use of Workplace Flexibility Strategies in the American Workplace: Employers, Government Agencies, Policy Experts, Researchers, etc.

- What actions are needed to increase the use of FWAs for all employees, especially for those with complex employment needs? Action by:
 - Government (Federal, State, Local)
 - Policy Experts
 - Researchers
 - Employers
 - Other stakeholders
- What would a roadmap of actions to be taken include?

Café #3:

Resources To Advance the Availability and Use of Workplace Flexibility, Especially for Individuals with Complex Employment Needs (Web sites, fact sheets, technical assistance, research, tool kits)

- The role of technology?
- What presently exists?
- What needs to be developed?
- What would an electronic toolkit look like and what should be included?

APPENDIX B
List of Forum Participants

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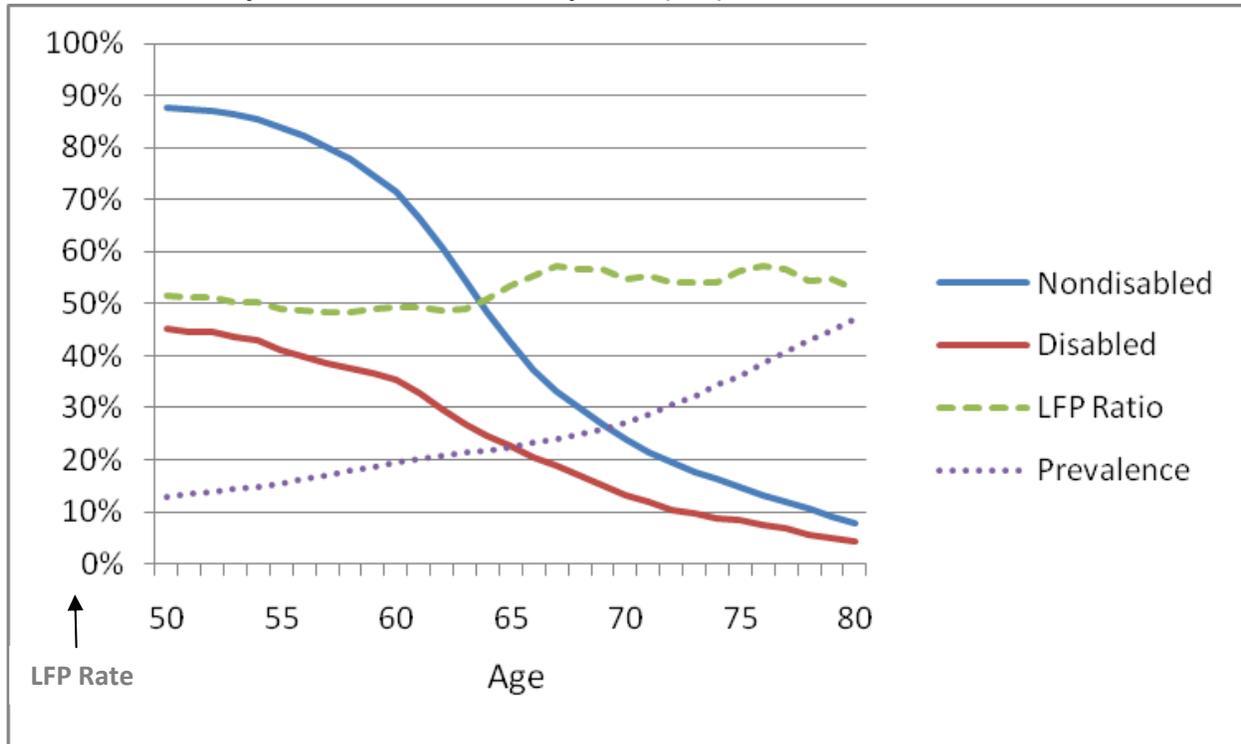
APPENDIX D

Trends in Labor Force Participation Among Older Workers and People with Disabilities

The Federal government's interest in workplace flexibility is due in large part to the characteristics of the changing U.S. labor force and the need to help people with complex employment situations remain employed. During the last 30 years, there have been dramatic increases in labor force participation among women and older workers. At the turn of the 20th century, less than 4 percent of married women were in the labor force (Padavic & Reskin, 2002). Today, women are half of the U.S. labor force, with a participation rate that stands at 75 percent, an increase from 55 percent in the mid-1970s. Women's labor force participation has been driven, in large part, by the increased employment rates of mothers. Three-quarters of mothers with children under 18 years of age are in the paid labor force while 63 percent of mothers with children under 6 years old are in the paid workforce (Appelbaum, 2009). Not only are more women working in the paid labor market, they are major economic contributors to their families. About two-thirds of working mothers are breadwinners or co-breadwinners in their families, contributing over 25 percent of the family income. And, close to 16 percent of working wives currently have a husband who is not employed. Compare this to the late 1960s when women were one-third of the labor force and just over a quarter were breadwinners or co-breadwinners (Boushey, 2010).

The U.S. labor market also is getting older and the steady decline in labor force participation among older people with disabilities combined with the increase in labor force participation among 50 to 65 year olds foretells a rapid increase in workers nearing retirement age, which raises concern about their functional capacity and health care needs and interest in the role of workplace flexibility to help them stay employed (Rigg, 2005; Yelin & Katz, 1994). As workers age, the prevalence of disability, sometimes due to chronic health conditions, increases dramatically. Exhibit 1 shows the labor force participation rates by age for both the nondisabled and the disabled populations. On average, people with disabilities are about half as likely to be in the labor force as nondisabled individuals of the same age. For both workers with disabilities and those without, labor force participation declines with age, though the ratio of workers with disabilities and workers without disabilities in the labor force, stays steady at nearly 50 percent until age 65, when it increases to about 55 percent (Roherig, Klayman & Robinson, 2010). According to Tossi (2004), the number of workers 55 years of age or older will increase by 50 percent during the next 10 years.

Exhibit 1: Disability and Labor Force Participation (LFP)



The changing characteristics of the labor force have created individual and business costs that stem, in part, from the challenges workers face in integrating work and family demands. With more adults in the labor force who are working longer hours and retiring later, workplace flexibility can be used to help reduce stress and health concerns, while providing many benefits to employers, including decreases in healthcare costs and use of paid sick leave, and increases in worker productivity and retention.

APPENDIX E

Presenter Biographical Profiles

HONORED PARTICIPANTS

Sara Manzano-Díaz, Director, The Women's Bureau

Sara Manzano-Díaz has spent her career in public service advocating on behalf of working class families, women, and girls. She has more than 25 years of Federal, State, and judicial experience, including 16 years in senior management at the Federal government level.

Previously, Manzano-Díaz was appointed by Governor Edward G. Rendell as Deputy Secretary of State for Regulatory Programs at the Pennsylvania Department of State. As the highest-ranking Latina in Pennsylvania State government, Manzano-Díaz was responsible for protecting the health, safety, and welfare of the public by overseeing the licensure of approximately one million professionals. She was also a member of Governor Rendell's STEM Initiative Team that supports the development of science, technology, engineering, and mathematics education, and workforce development programs.

From 1995 to 2002, she worked in various capacities at the U.S. Department of Housing and Urban Development (HUD), including as Deputy General Counsel for Civil Rights and Litigation, where she enforced fair housing, civil rights, and anti-discrimination laws. While at HUD, she implemented a compliance agreement against the largest public housing authority in the country that resulted in the creation of 9,000 disabled housing units in accordance with the Americans with Disabilities Act.

Manzano-Díaz also previously served as an Assistant Attorney General in New York where she conducted investigations and prosecuted allegations of consumer fraud. She also served as a Judicial Assistant and Pro Se Attorney in the New York State Judiciary.

Manzano-Díaz holds a Bachelor of Science degree in Public Relations and Communications from Boston University and a Juris Doctor degree from Rutgers University School of Law.

Kathleen Martinez, Assistant Secretary, Office of Disability Employment Policy

Kathleen Martinez was nominated by President Barack Obama to be the third Assistant Secretary for Disability Employment Policy and was confirmed by the U.S. Senate on June 25, 2009. As head of the U.S. Department of Labor's Office of Disability Employment Policy (ODEP), Martinez advises the Secretary of Labor and works with all DOL agencies to lead a comprehensive and coordinated national policy regarding the employment of people with disabilities.

Blind since birth, Martinez comes to ODEP with a background as an internationally recognized disability rights leader specializing in employment, asset building, independent living, international development, diversity, and gender issues.

She was appointed Executive Director of the World Institute on Disability (WID), based in Oakland, California, in 2005. Martinez directed Proyecto Visión, WID's National Technical Assistance Center to increase employment opportunities for Latinos with disabilities in the United States, and Access to Assets, an asset-building project to help reduce poverty among people with disabilities. At WID, she also led the team that produced the acclaimed international webzine DisabilityWorld in English and Spanish.

In 2007, she was appointed a member of the board of the U.S. Institute of Peace, a Congressionally-created agency dedicated to research and projects in conflict management. In 2005, Secretary of State Condoleezza Rice appointed her as one of eight public members of the newly-established State Department advisory committee on disability and foreign policy. In 2002, she was appointed by President Bush as one of 15 members of the National Council on Disability, an independent Federal agency advising the President and Congress on disability policy.

Christine Griffin, Deputy Director, Office of Personnel Management

Christine M. Griffin was sworn in as the Deputy Director of the U.S. Office of Personnel Management on January 4, 2010, by OPM Director John Berry. Prior to OPM, Griffin served as a Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC), assisting in the development of EEO enforcement policies.

At OPM, Griffin centers her attention on diversity in the Federal workforce and work-life balance, vital issues to both attract and keep the best of the best. She also focuses on veterans' employment issues--Griffin herself is a Vietnam-era veteran of the U.S. Army, having served from 1974 to 1977.

Griffin brings with her a wealth of solid and deep-rooted public and private sector experience to assist in tackling pressing Federal workforce issues. She has also been a strong advocate for women's rights and those with disabilities, as well as a promoter of a diverse workforce--primary ingredients to tap into the entirety of available resources of American citizenry to assist Director Berry in reinvigorating the Federal Government's Civil Service system.

While at EEOC, Griffin launched LEAD--Leadership for the Employment of Americans with Disabilities--addressing the under-employment of individuals with severe disabilities in the Federal workforce. She also served for a decade, until 2005, as Executive Director of the Disability Law Center in Boston.

PANELISTS

Ellen Galinsky, M.A.

President and Co-Founder, Families and Work Institute

At the Families and Work Institute (FWI), Ellen Galinsky co-directs the National Study of the Changing Workforce, the most comprehensive nationally representative study of the U.S. workforce—updated every 5 years and originally conducted by the U.S. Department of Labor in the 1977. She also co-directs When Work Works, a project on workplace flexibility and effectiveness funded by the Alfred P. Sloan Foundation that has produced a series of research papers, and has launched the Sloan Awards for Business Excellence in Workplace Flexibility as well as conducted the National Study of Employers, a nationally representative study that has tracked trends in employment benefits, policies and practices since 1998. Information from FWI's research has been reported in the media more than three times a day since January 2010.

At FWI, Galinsky is also directing the national Mind in the Making learning campaign, which includes her new book, *Mind in the Making* and Vook (video book); learning modules for early childhood teachers; learning modules and online videos for families; a DVD of cutting-edge child development research; community mobilization efforts; and major media partnerships. *Mind in the Making* has had more than 150 million media impressions since its publication.

Galinsky is the program director for The Conference Board's Work Life Leadership Council, a group of business leaders who have spearheaded work-life issues in the business community since 1983.

Richard Luecking, Ed.D.

President, TransCen

Richard Luecking is president of TransCen, Inc., an educational and consulting firm headquartered in Rockville, Maryland with offices in San Francisco, California. TransCen works with school systems, businesses, government agencies, and non-profit organizations to design, implement, and evaluate workforce development programs. Among its activities, TransCen has developed and implemented programs that, since 1986, have resulted in the employment of over 15,000 people with disabilities. Luecking is the author of numerous publications on workforce development topics, including the book, *Working Relationships: Creating Job Opportunities Through Partnerships with Business* (Brookes Publishing Company, 2004).

Joe Wallis

Senior Diversity Program Manager, Microsoft Military Recruiting

Joe Wallis is the senior diversity program manager for Microsoft Military Recruiting. Wallis has more than 24 years of military and corporate experience. He was commissioned into the U.S.

Marine Corps spending over 5 years on active duty with assignments in Okinawa, Japan with a Communications Squadron and in San Diego as a Recruit Training Commander and Depot Training Officer. Wallis has continued a career in the Reserves where he has served overseas in Germany coordinating exercises in NATO candidate nations and in Latin America conducting Peacekeeping Operations exercises. Since 2001, he has served close to 5 years of active duty mobilized in support of Marine Corps commands. Wallis most recently spent close to 3 years on active duty at Headquarters Marine Corps, Quantico, Virginia where he served as the Head of the Officer Career Counseling Section. He holds the rank of Lieutenant Colonel.

Wallis' corporate experience has been primarily in recruiting and research. He started his recruiting career at the military recruiting firm Bradley-Morris, Inc. in Atlanta, Georgia. In their startup phase, Wallis built the candidate pipeline of military talent helping grow Bradley-Morris into the premier military recruiting firm that it is today. He later joined Andersen Consulting (Accenture) where he recruited information technology professionals for their Business Process Management division. Wallis then joined A.T. Kearney Executive Search as a Director in Madrid, Spain where he conducted searches as part of the technology practice. His most recent recruiting experience was with Washington Mutual Bank where he supported the Finance and Risk Management team recruiting primarily for the Corporate Accounting and Corporate Strategy groups. Wallis is a graduate of the U.S. Naval Academy and has a Master's Degree in International Relations from the University of Miami.

Maggie Leedy, M.A.

Lead Disability Program Navigator, Montgomery Works

Maggie Leedy is affiliated with the Maryland One-Stop Career Center system as the State's Lead Disability Program Navigator. She has more than 20 years of professional workforce development experience, concentrated on promoting employment opportunities for people with disabilities and other employment barriers. Leedy has extensive knowledge on workforce development issues and is a popular and highly rated trainer on job placement methodology and disability awareness. She develops and delivers workshops and seminar presentations nationally on employment issues. Training audiences include job candidates, private sector employers, and non-profit employment agencies. Other career assignments have included One-Stop Center management, design and implementation of employment demonstration projects, research associate, vocational evaluator, and career coach.

APPENDIX F

MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF LABOR, OFFICE OF DISABILITY EMPLOYMENT POLICY AND U.S. DEPARTMENT OF LABOR, WOMEN'S BUREAU

I. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to establish an understanding between the Women's Bureau (WB) and the Office of Disability Employment Policy (ODEP) to expand and promote the use of flexible workplace strategies. In carrying out this MOA, WB and ODEP, as full and equal partners, will jointly organize and host a 1-day Workplace Flexibility Roundtable Forum. At the Forum, subject matter experts will share best practices and research, and identify knowledge gaps on workplace flexibility. Subject matter experts will be composed of workplace flexibility and disability experts from Federal and State agencies, disability organizations, nonprofit organizations, and the private sector. WB and ODEP will not ask the experts to come to a consensus on their recommendations. The agencies will disseminate these recommendations on best practices to employers nationwide via their Web sites and other outreach tools. WB and ODEP will also develop materials and publications to assist in subsequent outreach and education efforts in this area. This collaboration will create a universal design to support the implementation of workplace flexibility strategies around place, time, and job tasks. The latter strategy is usually not addressed in the work-life balance/workplace flexibility policies and practices of employers.

This document defines the roles and responsibilities of both agencies for coordinating the development of policies and practices to inform various employment stakeholders, including but not limited to, the workforce development system, employers, and service providers—to implement a coordinated, interagency initiative to improve opportunities for people with disabilities and others with complex employment needs.

II. AUTHORITY

For ODEP, the authority to enter into this MOA is authorized in accordance with 29 U.S.C. 557b (ODEP organic statute).

For the WB, the authority to enter into this MOA is Public Law No. 259, 66th Congress (H.R. 13229), enacted June 5, 1920 (WB organic statute).

III. BACKGROUND

ODEP, established in 2001, provides “national leadership on disability employment policy by developing and influencing the use of evidence-based disability employment policies, building collaborative partnerships, and delivering authoritative and credible data on employment of people with disabilities.” ODEP also provides national leadership to increase employment opportunities for individuals with disabilities while striving to eliminate barriers to employment. ODEP supports the creation of expanded work options (including workplace flexibility policies and practices) and meaningful employment, promotes economic opportunities and independence, encourages self-determination, and supports inclusion of people with disabilities in their communities.

ODEP has implemented numerous studies and grant initiatives to identify best practices and emerging models of excellence that can result in improved employment using a universal design approach to employment strategies. One of ODEP's evidence-based workplace flexibility strategies focuses on building flexibility around the job tasks rather than the traditional approach of building flexibility around a schedule or the location of work tasks. ODEP calls this strategy "Customized Employment." These workplace flexibility models are especially appropriate for mature workers, youth at risk, homeless women veterans, caregivers, people with limited English proficiency (many of which are domestic workers), and ex-offenders, as well as others with complex barriers to employment who require flexible approaches to enter and maintain employment.

WB, established in 1920, formulates standards and policies to promote the welfare of wage-earning women and improve women’s working conditions. Workplace flexibility is one of the four priorities of the agency.

Creating a flexible workplace can improve the recruitment, retention, productivity, performance, morale, and commitment of employees. It also can decrease turnover and absenteeism, extend employer business hours, ensure coverage during peak hours without overstaffing, assist in retaining older workers’ skills and experience, and offer options in lieu of layoffs. Common flexible work options include: flextime; compressed work weeks; part-time work; job sharing; telecommuting; personal days; paid-time-off banks; leaves of absence; emergency flexibility; reporting late; vacation buying, borrowing, sharing; and day-at-a-time vacation; floating holidays; shift flexibility; and no-meeting days/hours.

IV. ELEMENTS OF COLLABORATION

WB and ODEP will collaborate to expand the understanding and use of workplace flexibility strategies for employees with complex needs, including people with disabilities. In this regard, WB and ODEP will co-host a one-day Workplace Flexibility Roundtable Forum. WB and ODEP will each pay their own share of costs necessary to sponsor the event. The Forum will create a framework for addressing universal workplace flexibility needs and inform future

Workplace Flexibility Forums hosted by the WB. Forum attendees will not be asked to come to a consensus with their recommendations.

The elements of collaboration are:

1. WB and ODEP will work together to create a roadmap of actions that can be undertaken at the Federal, State, and local levels to expand the understanding of, and access to, best practices in workplace flexibility. The agencies will also address gaps in knowledge common to employers.
2. WB and ODEP will agree on disability and workplace flexibility subject matter experts (SMEs) to attend the Workplace Flexibility Forums.
3. WB and ODEP will identify the various resource agencies and organizations to gather the research and resources for the WB's Web site.
4. WB and ODEP will develop curricula for a toolkit on workplace flexibility.
5. WB and ODEP will agree to have at least one (1) disability subject matter expert attend all the Workplace Flexibility Forums.

V. DURATION OF AGREEMENT

This MOA is effective upon the date of the last signature below and shall remain in effect for three years after that date. The MOA may be terminated by mutual agreement of both parties or by either party upon 30 days' written notice.

VI. MODIFICATION PROCEDURES

Either party to this agreement may propose a modification to this MOA at any time. All proposed modifications will be in writing and will become effective upon the date of the written agreement between the parties.

VII. DISPUTE RESOLUTION

Any disputes arising under this agreement will be resolved informally by designated agency content persons.

VIII. EFFECT OF AGREEMENT:

This agreement is an internal Government agreement and is not intended to confer any right upon any private person.

This agreement does not itself authorize the expenditure or reimbursement of any funds. Nothing in this agreement obligates the parties to spend appropriations or enter into any contract or other obligations.

Nothing in this agreement shall be interpreted as limiting, superseding, or otherwise affecting either agency's normal operations or decisions in carrying of its statutory or regulatory duties. This agreement does not limit or restrict the parties from participating in similar activities or arrangements with other entities.

The agreement will be executed in full compliance with the Privacy Act of 1974.

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APPENDIX G

Suggested Resource List

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