

FlexBulletin #82 – San Francisco Debates Vote on Flexibility

July 17, 2013

Colleagues – Social change can take many forms: political action, corporate initiatives, social campaigns, to name a few. As a flexibility advocate, I have focused for many years on introducing new approaches to flexibility within organizations. I have followed, but not practiced politics. I observed the legislation in countries like the UK and Australia which mandated that caregivers be allowed to propose flexible schedules and be protected from retaliation. I was pleased that our clients operating in those countries already offered a similar process to all employees and had provided supports for skeptical managers.

When I first heard that Vermont had passed legislation mandating employers to offer a request process for caregivers seeking flexibility, I was of mixed mind. On the one hand, I would prefer that employers do it voluntarily, broader and better. On the other, this was a simple statement that the time had come for wider adoption of the process we had designed and championed for two decades – with partial impact.

Then San Francisco called. I lived there for many years, developing a city-wide mediation program and beginning my flexibility consulting career with New Ways to Work in 1986. In conversations with San Francisco Board of Supervisors President David Chiu and staff, it was clear that they were engaged in serious discussions with a hostile business community. He thought it would be helpful if I could simply share my experience in integrating the voluntary request process in complex companies. I agreed and offered the following statement to the Board of Supervisors Rules Committee.

Testimony on Family-Friendly Work Ordinance – July 11, 2013

By Paul Rupert, President, Rupert & Company

Wide experience with flexible request processes. I have been managing professional service firms using flexible schedules since 1972. I and my clients pioneered the use of the flexible schedule request form and process in the mid-1990s. I have consulted to over 100 large and small employers and their global subsidiaries who wanted to make access to flexible schedules fair, common and consistent across complex enterprises. We are known and well-regarded for our focus on implementing business-beneficial flexibility request processes.

The proposed SF process has business precedent. The essential process we have installed widely is straightforward: an employee uses a standard, simple form to make a request for a flexible schedule. A manager reviews the request and may discuss it and ask for modification. Then that manager makes a final decision. This process is essentially the one being proposed by President Chiu and the co-sponsors of the FFWO.

There is proven business value. The many business benefits of more flexible workplaces have been established and documented for decades: family supports, employee retention and recruitment, enhanced productivity, reduced commuting and more. Indeed, in discussion of this issue, the great majority of business owners say they offer flexibility and extol its virtues. Questions seem to center on the *requirement of formality* and the burden and conflict it might bring to workplaces that are already doing this. Our experience is quite the opposite.

Only formal request processes create equity Most of our clients say, accurately, when we walk in the door that “We are already flexible.” But they have typically turned to us because their internal climate lets “good managers” be somewhat flexible and the majority of their managers be quite rigid and unresponsive to reasonable requests. They are not acting out of fear of lawsuits (which have been virtually non-existent in this field) but out of an overarching concern for attracting and inspiring the best and the brightest. And such people do not thrive in the midst of discriminatory and unequal practices. They watch how employers act and make judgments.

Asking is not as simple as it seems We regularly hear from senior leaders in our client firms the query “Why do we need an elaborate process for someone to have such a simple conversation?” It is hard for people who have secure positions and feel entitled to challenge their employer on many fronts to imagine how hard it can be for many, many staff to raise a seemingly simple request to modify schedules. When the leadership of a company “de-criminalizes” this process and actively encourages those with family or other needs to use a mutually beneficial process, the opportunities and gains of greater flexibility can flourish. When the leaders of a city make a similar statement, the same phenomenon can occur.

These processes need not be burdensome Introducing a new process is like all change: the negatives occur to people first, and the range of possible breakdowns floods to the fore. The good news to those considering this ordinance for San Francisco is that the proposed process has been implemented in hundreds and hundreds of small to huge companies. Common fears of a flood of unmanageable requests, anger at denials, intense co-worker resentment and negative impacts on coverage and service have simply not occurred in a broad range of firms. We have implemented the request approach in small accounting and law firms, mid-sized hospitals and very large companies such as Bristol-Myers Squibb, Sodexo, Colgate and Amgen.

There is no need to reinvent the wheel We have worked with our pioneering clients to make the overall process as productive and efficient as possible. No doubt companies in your community have already developed functional versions of the request form and supportive best practice guides to help get proposing and implementing flexibility right the first time. Many of our clients have turned to simple automation of the request decision-making and record-keeping process to virtually eliminate the “paper problem.” Individual businesses or the city on their behalf can access and make available such tools.

The gains endure for companies and people Initiatives inside organizations can come and go. In our experience, once firms start down the road to a more flexible workplace, they may expand, refine and re-launch their approach, but it is startling national news when a company suspends telecommuting. That is because this trend in changing how we work is a part of the dramatic evolution of the economy, technology and family structure. We are not going back to the old economy nor to a time when people could not work with their employers to create schedules that serve individuals, the employer and the community.

I do not know if this legislation will clear the remaining hurdles and make it to the ballot. No one knows how the vote will go, if there is one, as there has never been a popular vote on the topic. (Vermont went the legislature route.) I do know that the modest proposal going forward reflects strong input from the Chamber of Commerce and the small business community.

The Chamber’s VP of Policy said on hearing of the proposal: “Beyond unbelievable!” They successfully objected to provisions that would have allowed appeals outside the employer to a city agency and bumped the size of covered firms from 10 to 20 employees. The more fascinating negotiation occurred with the restaurant association on the original intent of the bill to allow for flexible and predictable schedules. The latter would have required employers to provide schedules two weeks in advance to hourly workers. Other state or country legislation does not address this issue; nor it seems will San Francisco’s ballot measure include this element going forward.

Whatever happens, this event may help advance a long-overdue conversation on how we best create the flexible workplace of the future. It is a bit ironic that I find myself testifying on a narrow request process at a time when I believe we should be moving voluntarily toward Collaborative Scheduling that enables schedule predictability to be achieved.. I do believe that there is a pent-up demand for flexibility that grows out of the decades of extended national pilot project that has shown we can do it. The time has come to finally and fully do it. Done best, the approach will show that:

- Flexible schedules should be open to all, not just caregivers
- They should be business- and employee-beneficial, not a flat benefit offering
- They should drive a creative work redesign process, not be a frozen menu

I believe companies can and should move in this direction – and do so deliberately and comprehensively. If they fail to do so, if they think this modest ballot proposition is “beyond unbelievable,” I think they may find that the position of doing little or nothing is unsustainable.

While San Francisco wrestles with this issue and may vote on it in November, the rest of the country might do well to tackle the substance and make further legislation unnecessary.

We welcome your comments on this Bulletin. When you write, please email me at:
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Co Scheduling Resources

Unemployment is falling, turnover is on the rise, and genuine control of how people work is moving to the top of the HR agenda. If you are considering retooling your approach to flexible work, please feel free to contact us to discuss:

- Diagnostic tools to assess high value initiatives
- Strategies to turn flexibility experience into collaborative change
- Targeted training in collaborative skills (Mutual Respect)
- Online training and guidance vehicles
- Proposal, auto-coaching and monitoring systems

Best regards,
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