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Guides to a changing workplace

FlexBulletin #91: Obama Care(s) - About Flex

June 26, 2014

Dear Michele,

On Monday President and First Lady Obama hosted the first White House Summit on Working Families. It could have been - and was to some extent - a collection of speakers and panelists promoting the family friendly agenda of expanded child care, paid leave and workplace flexibility. It could have included - and did to a noticeable degree - the energy of imminent mid-term elections.

But then the President raised the level. In an unusual act of executive book-ending, he delivered a powerful welcoming speech and then put on the table an Executive Memorandum ordering the Federal government to establish a "Right to Request" flexible schedules for more than two million federal workers. His speech (see 1-minute flex clip [here](#)) -- was notable for its strong grasp of the needs of working families and the policies and initiatives required to address their concerns. It was powerful because it was grounded in casual, personal and humorous accounts of the way these issues had played out - and continue to play out - in his own family life.

It is rare to see compelling oratory followed immediately by convincing action. As we discuss below, the order that realizes the thrust of the speech is an unusual [memo](#). Pointed, specific, grounded in accountability measures, it is designed to create a more flexible, supportive workplace. Its success remains to be seen. But in a time of national uncertainty on flexibility and related issues, this one-two punch was quite a send-off.

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Federal Flex's Long, Slow Journey

Like small and large employers across the country, the U.S. Government has wrestled with the issue of workplace flexibility for decades. Like many corporations, its version of Human Resources - the Office of Personnel Management - has promulgated policies, sought and shared training schemes and worked with departments and federal unions to normalize schedules from part-time to telework. It's been an uphill battle.

In the U.S. Government -- an organization of more than *two million people* -- it should come as no surprise that progress has been uneven. Some departments have made visible strides, others have lagged. Initiatives have come and gone, enthusiasm has waxed and waned.

Then along came "telework." The practice of working offsite was first called "FlexPlace" in the Federal Government, then telecommuting, then telework. Eventually this simple practice with the changing name got a serious jump start from some determined Congressmen who looked on the Federal workplace and workforce like private sector leaders: legendary Washington traffic and all the costs and carbon it generated could be reined in by setting goals for enhanced telework.

The Landlord Sees Cost Savings - and Mobility is on!

In fairly short order, telework moved from the shadows to focused activity in the Departments. And active they became. Initiatives, conferences, tools and champions flowered. In a few short years the federal government went from being a bit player to a lead actor in promoting telework. Congress liked what it saw. The fact that options besides telework may have gotten short shrift did not slow the offsite juggernaut.

The lesser corporate emphasis on part-time, etc. that I described in [FlexBulletin#90](#) ("True Part-Time Seeks Orphanage") played out alongside the Federal offsite initiatives as well. Then along came "Facilities" - or in federal parlance, the GSA or General Services Administration. Just as many corporate facilities managers had visions of high-value cost savings in remote work, the GSA and Congress saw enormous cost-cutting potential for the world's largest landlord with the country's largest workforce.

The GSA led the way in its own shop by calculating potential savings, redesigning offices, managing people out of buildings. With great enthusiasm, it helped move the rest of government in this direction. Potential savings beyond the many hundreds of millions of dollars were forecast and sought. Suddenly the feds looked a lot like the major companies they admired in this arena.

Then CEO Obama takes the broader view, joins SF & Vermont with a "Right to Request"

President Obama and his appointees have clearly supported this flexibility effort. He has green-lighted the GSA direction and supported what is now called the "Telework and Mobility" efforts across the government. But on Monday he put another flexibility stake in the ground. In the speech and memorandum highlighted above, he raised up the broader flexibility agenda. The goal was family salvation as well as cost-saving.

The means was an unusually pointed and outcome-driven memorandum which included a "Right to Request" for federal employees. The directive's broad scope included flexible schedules, leaves, child care and more. It set a demanding timeline and outlined clear metrics for accountability. It was far more "must-do" than "let's hope."

In the memo's opening paragraphs, there is a rationale for this initiative:

[[It is the policy of the Federal Government to promote a culture in which managers and employees understand the workplace flexibilities and work-life programs available to them and how these measures can improve agency productivity and employee engagement. The Federal Government must also identify and eliminate any arbitrary or unnecessary barriers or limitations to the use of these flexibilities and develop new strategies consistent with statute and agency mission to foster a more balanced workplace.

The president then takes a page from the playbook of the UK, Australia, San Francisco and Vermont in declaring a Right to Request "work schedule flexibilities, including telework, part-time employment or job sharing." The right is defined as follows:

Section 1. Right to Request Work Schedule Flexibilities.

(a) Agencies shall make Federal employees aware, on a periodic basis, that they have the right to request work schedule flexibilities available to them under law, pursuant to an applicable collective bargaining agreement, or under agency policy, without fear of retaliation or adverse employment action as a consequence of making such a request.

Does a rising tide lift all boats?

A strong speech, an enthusiastic conference, a well-crafted memo and a large and energized federal workplace might not lead to more than incremental change in the work, home and commuting lives of federal workers. Or it might. We won't see clear outcomes for a while.

But an intriguing part of this surprising announcement by the President is the bump it might give to the decentralized Right to Request trend. When Vermont announced its legislative action, skeptics doubted any impact "beyond Ben & Jerry's, who probably did more already." When San Francisco acted, critics clucked, "Well, it's San Francisco." And there can be little doubt that Obama's action on a larger stage will be greeted with derision in some quarters. And whether desirable or not, national legislation in this area is currently inconceivable.

However, at a time when wage and working conditions issues such as minimum wage, paid leave and child care have been the objects of local action in a growing number of states, flex might not be far behind. Absent more aggressive action by employers far and wide, the Right to Request might soon show up in your state.

We welcome your comments on this Bulletin.
When you write, please email me at: paulrupertdc@cs.com

Best regards,
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