

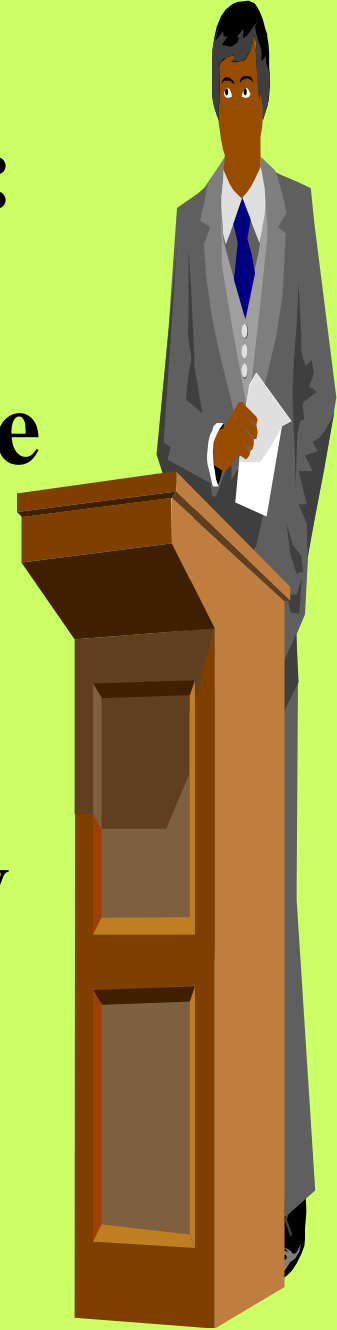
Four-Day Weeks and Efforts Aimed at Reducing Work Time: Employer Sympathy or Circumventing Unions and Wage Hour Laws?

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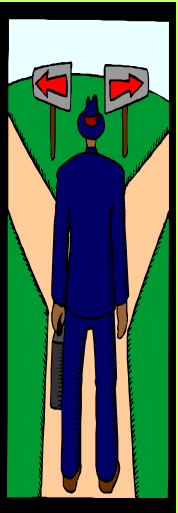
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Viewing Tough Economic Times Under the Lens of Opportunities for Employee Justice Versus Opportunistic Employer Behavior

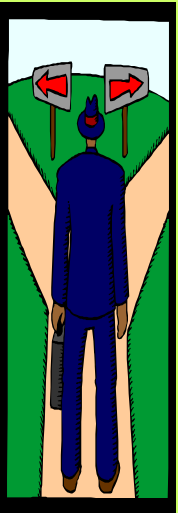


Increasing Unemployment and Major Financial Market Failure



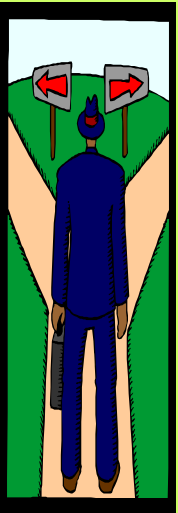
- Current Unemployment Figures
- Data About Financial Market Failures
- Loss of Job Data
- Bankruptcy
- Mortgage Foreclosure
- On the verge if not at a Major Economic Depression like nothing seen in this country since the Great Depression.
- Alan Greenspan called this crisis a tsunami.

Brings Opportunity for Creative Workplace Solutions: Employers

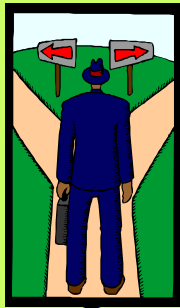


- Don't want to exacerbate the economic problems in the country by increasing unemployment.
- So what can employers do to help employees through these tough times?
- How about employers offering to reduce work hours rather than terminating employees through time off without pay, reduced workweeks and furloughs?
- Sounds great, right?: employers reduce labor, environmental, electrical, janitorial and other operating costs but keep morale up during these tough economic times.

Brings Opportunity for Creative Workplace Solutions: Employees



- Employees need more flexible work schedules for time off with pay and reduced workweek.
- Flexibility gives opportunity for more family friendly workplace.
- Flexibility addresses feminist concerns about sex-based division of labor in paid work and unpaid family work.
- Flexibility addresses marginalized workers part-time/contingent jobs with little to no benefits.
- Sounds great, right?: employees keep jobs during tough economic times and get flexible workplace.

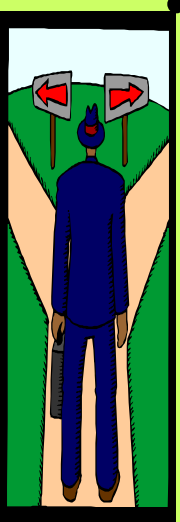


Brings Opportunity for Creative Workplace Solutions: Unions

- Opportunity to Negotiate Collaborative workplace options for union members.
- Issues of family and flexibility needs for workers can now come to the forefront as a bargaining chip.
- Opportunity to expand their base as more workers who are present and not marginalized can have their voices heard because as Samuel Gompers said: “So long as there is one who seeks work and cannot find it, the hours are too long.”
- Sounds great, right?: employees keep jobs during tough economic times and union can play a major role as change agent in negotiating many family friendly and employee friendly workplace policies and less unemployment.

But Wait: Don't Go So Fast There

With the Win-Win Rhetoric

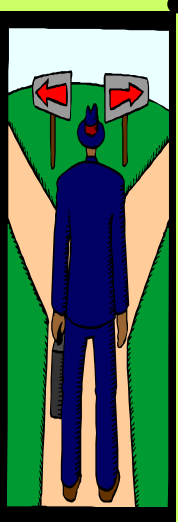


William Burrus, President of the American Postal Workers Union, responded to a proposed cut of one day of delivery service by noting that losing one day “would stretch to three days when the additional day is combined with Sunday and a Monday holiday. Such delays will drive essential mail to private carriers, who will continue to deliver seven days a week.”

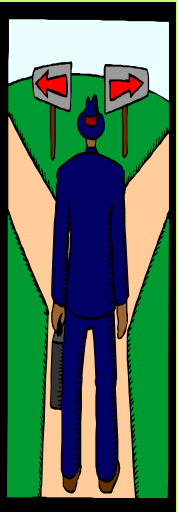
But Wait: Don't Go So Fast There

With the Win-Win Rhetoric

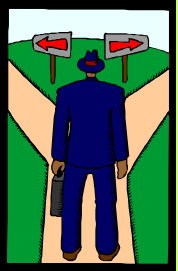
- My Thesis: Despite all the purported win-win benefits from these allegedly beneficent employer offerings to reduce work hours, these employer actions are really nothing more than wage reductions that over time will result in key losses for employees and their unions seeking fair and better working conditions and wages.



But Wait: Don't Go So Fast There With the Win-Win Rhetoric

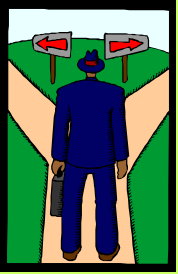


- Why this Thesis?
- Employers' opportunistic chance to seek pay cuts that reverse legislative efforts aimed at improving workplace like increased minimum wage and to push unpaid leave and break contracts without dealing with unions or to spite unions.
- Employers can work employees more and try to pay them less e.g., compensatory time off in private sector attempts and failures?
- Increasing use of part-time workers



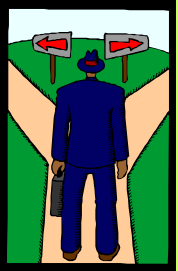
Reduced Workweeks and Furloughs

- Some government entities:
 - State of Utah,
 - Walsworth County, Wisconsin,
 - Avondale, Arizona,
 - El Paso, Texas) have adopted four day workweeks/reduced hours requirements.
- Anchorage, AK, Onondaga County (Syracuse, NY) and Springfield, IL unions rejected it. Unions in CA and MD made successful legal challenges to furloughs.
- Mixed results.
 - Employees like it if they are paid the same
 - Unions have pushed it as a mechanism for more balance in their employees lives when wages the same but fought it in most instances when wages are dropped
 - Employers have seen some cost savings but have sought more by pushing unpaid furloughs and union concessions as a more drastic response which ends up with worker pay reductions.
 - DOL issued a guidance this summer to make sure employers have guidance on the host of FLSA issues when employees are put on furloughs especially exempt employees.



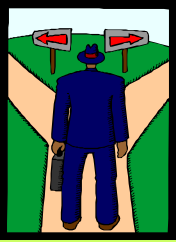
Reduced Workweeks and Furloughs

- Responses: Employers and some employees end up wanting exceptions like with France and European models that limit work hours so that they can work more hours or start looking for additional jobs.
- Unions realize the limits on their workers, i.e., janitors, etc., and want to make sure that wages are not reduced and they are starting to successfully challenge furloughs implemented without their approval.



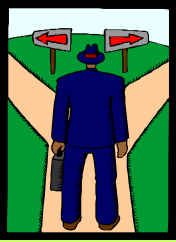
One Union Response to Proposed Reduced Workweeks and Furloughs

- Springfield, IL AFSCME Local 3417 passed out a survey to public works employees in response to a proposal to consider furlough days, voluntary layoffs, or shorter work weeks to reduce the possibility of layoffs.
- Survey asked the union which of five options they would consider:
 - Taking an unpaid furlough day;
 - working only four nine-hour days each week;
 - working nine days over two weeks;
 - taking a voluntary layoff of up to 30 days;
 - or none of the above.
- Workers could also suggest other options to reduce layoffs.



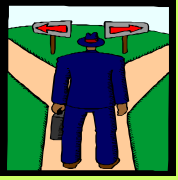
Congress to the Rescue? Pending Family Friendly Workplace Legislation

- Congress is considering several key work and leave statutes.
- The Working Families Flexibility Act. Right to request a change in hours, when, time, and place of work and employer must hold a meeting and provide written answer.
- The Paid Vacation Act of 2009. Amend FLSA to mandate one week of paid vacation.
- Healthy Families Act. Provide employees with paid time off to meet their own health care needs and those of family.
- Family Leave Insurance Act of 2009. Amend FMLA to allow for those covered to have paid FMLA leave.



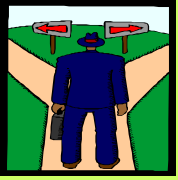
Pending Family Friendly Workplace Legislation

- Family and Medical Leave Enhancement Act of 2009. Expand FMLA leave to involvement in children or grandchildren's educational and curricular activities.
- The Domestic Violence Leave Act. Amend FMLA to allow leave to address domestic violence and sexual abuse.
- Family and Medical Leave Inclusion Act. Expand FMLA to cover same-sex, domestic partner, parent-in-law, adult child, sibling, etc.
- But one piece of legislation would allow compensatory time off as being family friendly, The Family Friendly Workplace Act.
- All of these pieces tend to focus on the fact that the FLSA was enacted in 1938 New Deal and as the primary vehicle for regulation of hours of work is now anachronistic in terms of recognizing the realities of work hours and the workplace of the 2000s.
- Also, some of this is about paid leave as a supplement to the FMLA. But what is the right regulation and who benefits? Employees, Feminists, unions, employers?



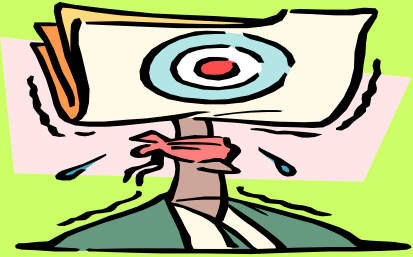
Key Scholarly Positions

- Vicki Schultz/Allison Hoffman, (concerns that feminist and family friendly efforts to address women's roles in the workplace may tend to subordinate women further by singling them out and calls for a reduced workweek as a kind of neutral way to address roles of women without creating subordination).
- Me: this is fine but it focuses on keeping wages the same which may not be the employer's goal and it could receive backlash in terms of tying employers hands if it is perceived as a limitation on working more.
- Michael Selmi et al. (concerns that feminist and family friendly critics who are pushing less hours tend to be limited to professional women who can afford to take less in exchange for the benefit of less hours). Wants paid leave and align it with work and school days.
- Me: sounds good.



Key Scholarly Positions

- Kenneth Dau-Schmidt et. al (catalogues concerns that foreign attempts to limit work hours and decrease unemployment have backfired) .
- My thought for now: I agree based on what I have read about France and in the U.S. we need to focus on flex time/paid leave.
- Katharine Baker: need to address women's unpaid work.
- Me: Not sure how other than allowing more flex schedules and paid time without creating some of the subordination and backlash concerns.
- David Walsh, Shawn Vance, Nicholas Clark, Lonnie Golden, Ross Eisenbrey, others: comp time and other flexibility allows employers to take advantage of employees and evade FLSA.
- Me: I tend to agree.



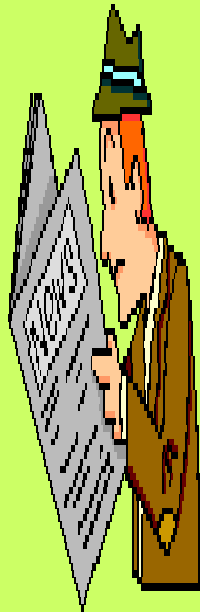
CLOSING THE LENS



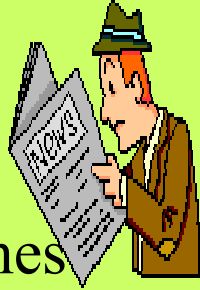
- Shorter workweeks only work if wages are the same and hours worked are the same which means you have longer days but more time off.
- Why would employers want this without trying to actually reduce wages, too, so be careful what you ask for? May get forced furloughs, wage reductions, and abuse of compensatory time off.
- Paid leave/vacation is a better option and consistent with what other countries are doing successfully without stigmatization and productivity backlash.
- When the going gets tough, unions and employers need to hold the line not give it up or they will ultimately never gain it back and why should employers ever give it back?

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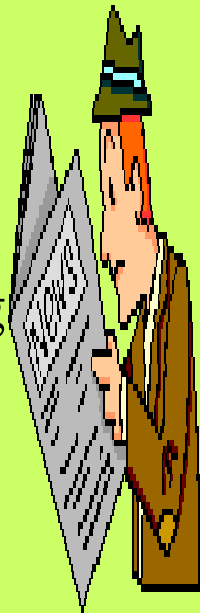


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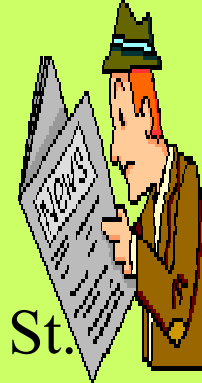


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The End

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