Flexible Workplace Policies: Lessons From the Federal Alternative Work Schedules Act

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Abstract: This case study uses a feminist framework to examine the 7-year process by which the Federal Alternative Work Schedules Act (1978 – 1985) became law and the reasons for reenergized implementation in the 1990s. We analyze the legislative discourse for rationale in support of and opposition to this policy, connect findings to current flexible work research, and identify criteria for evaluating the impact of flextime policies with attention to intersections of gender and socioeconomic status. Unexpectedly, traditional views on hierarchical manager-worker relations figured more prominently than gender in the Congressional debates.

Key Words: family-friendly work policies, family policy, flexible work schedules, flextime, gender, work and family.

Work-family policies have been evolving in the United States over the past 30 years as a way to attract and retain a highly skilled workforce and to enable working women and men who have family caregiving responsibilities to participate fully in the workplace without compromising the well-being of their dependents. These policies include programs such as paid sick leave, on-site child care and emergency care, flexible schedules, part-time career track options, working from a home office, and elder care resource referrals (Stebbins, 2001; Zimmerman, 2001). Perhaps the most widely known national work-family policy is the Family and Medical Leave Act (FMLA) of 1993, enabling employees to take up to 12 weeks per 2 years of unpaid leave to manage illness of self or a family member. Despite its popularity, the FMLA legislation met considerable resistance and endured nearly a decade of controversy and compromise before becoming law (Elison, 1997; Marks, 1997; Wisensale, 2003).

Work-family policies have emerged at all policy levels, and national policies governing federal employees have often played a pioneering role. For example, in response to increased labor demands within the federal government and the availability of new female workers, a law was passed in 1978 (PL-437) to increase part-time career employment within the civil service, explicitly to “provide parents opportunities to balance family responsibilities with the need for additional income” (U.S. Government, 1980, p. 1055). In the same year, the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (PL 95-390), the subject of this case study, was implemented on an experimental basis, allowing federal employees to alter their daily work schedules for the first time. In 1993, the Federal Employees Leave Sharing Act was passed, allowing government employees to donate leave to coworkers who were dealing with protracted medical absence. In addition, the Federal Employees Family Friendly Leave Act of 1994 permitted workers to use their sick leave to care for an ill family member. Many agencies within the federal government have demonstrated leadership in establishing family-friendly workplace policies. For example, the U.S. Office of Personnel Management disseminates information on an array of Work/Life programs that may be adopted by federal agencies such as flexible work schedules, childcare subsidies, an Employee Assistance Program, job sharing, telecommuting, and

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leave transfer/sharing programs (U.S. Office of Personnel Management, 2007). These federal workplace policies mirror policies of many large private sector companies.

It seems fair to say that flexible schedule workplace policies have come into the national work-family policy spotlight (Avery & Zabel, 2001; Bogenschneider, 2002; Reilly, 2001; Wisensale, 1992) and have been depicted as beneficial for both employer and employee (Gottlieb, Kelloway, & Barham, 1998; Olmstead & Smith, 1994). We know that flexible schedules are both valued by parents and beneficial to many workers. According to one national survey, 90% of parents say they want access to flextime, job sharing, compressed schedules, and part-time work with benefits (West & Hewlett, 1999). Halpern (2005a) has shown from a large national sample of working adults that the greater the work flexibility, the less work missed and the less stress reported by workers. Additionally, new research initiatives have emerged over the past few years to rigorously evaluate the impact of local workplace policies such as flextime on the health and well-being of employees and their families (National Institutes of Mental Health, 2004), and controversial bills to promote flexible work schedules nationwide were introduced in both the House and the Senate (S. 317; H.R. 1119) in 2003.

Despite this growing interest, little is known about large-scale initiatives or policy precedents regarding flexible work policies. Although extensive scholarship exists regarding the landmark Family Medical Leave Act (Marks, 1997), its effectiveness and utilization (Hoffert & Curtin, 2006), and its controversial and lengthy legislative process (Elison, 1997; Monroe, Garand, & Teeters, 1995; Wisensale, 2001, 2003), less attention has been given to the debates that surrounded the evolution of the Federal Employees Flexible and Compressed Work Schedules Act, one of the earliest and most extensive flexible work policy initiatives in the United States. This act, also referred to in government publications as the Alternative Work Schedules Act (AWSA), is an historically significant flexible workplace policy that was first debated in Congress nearly 30 years ago and passed into permanent law in 1985. In order to move forward with successful flexible workplace policies responsive both to industry and to women and men of diverse circumstances and social locations, it is essential that family policy scholars and advocates understand the historical and political iterations of this landmark flextime legislation. The purpose of this paper is to document the evolution of the AWSA, to identify criteria for evaluating its potential success, and to raise awareness of the potential impact of national, state, or local flextime policies on families of varying socioeconomic standing.

We use a feminist critical theoretical approach in our analysis because the controversies surrounding family-oriented workplace policies are often entwined with hidden assumptions and attitudes about gender and work, such as the male breadwinner/female homemaker model, essentialist views of women’s roles as caregivers, and unspoken career penalties for men who choose to be involved fathers. These culturally imbedded sources of resistance to creating truly family-friendly workplaces are difficult to identify without a critical lens. Feminist critical theory has an emancipatory interest (Chibucos & Leite, 2005) that compares what is observed against the ideal of a nondiscriminatory, egalitarian cooperative workplace.

Feminist theory and family science scholarship challenge the social construction of problems and of roles that are determined solely on the basis of gender (Moen & Coltrane, 2005; Stacey, 1996). For example, Moorehouse (1993) showed how maternal full-time employment has often been viewed as the problem underlying work-family conflicts, even though paternal full-time employment is never questioned and is usually seen as obligatory. Feminist critical theory provides a useful framework to investigate whose interests are privileged within the context of the AWSA and to examine how ideas and assumptions about gender and power influence work culture and family-work policies.

**Methods**

We examined the evolution of the AWSA using an exploratory case study approach (Yin, 1998). The case study approach allows researchers to investigate complex entities with multidetermined outcomes through description and contextual analysis of multiple sources of data (Yin). Case study methodology has been noted as ideal for the study of practice and practitioners (Corcoran, Walker, & Wals, 2004), such as legislative discourse and policymakers’ actions. With respect to the present study, first we used open coding to identify perspectives, arguments (pro and con), and underlying assumptions and tensions...
evident in the printed legislative hearings on the AWSA. Second, we noted emergent themes among the codes and identified textual elements that illustrated these themes. Third, we applied feminist theory to critically examine codes and themes in order to extract lessons applicable to developing new flextime legislation, to gaining needed support for such a policy, and to anticipating impediments and opposing arguments. During the analysis, six feminist principles emerged as relevant to successful political processes leading to the passage of AWSA or relevant to designing policies that are beneficial to families in diverse social locations, or both. We analyzed the following historical documents: legislative hearings on the AWSA between 1972 and 1985, the government reports and commissioned studies on flextime between 1972 and 1997, and the presidential memo series from 1994 to 1999. The goals of the analysis are to (a) document the legislative history and process of the AWSA, (b) identify arguments for and against this flexible workplace policy, and (c) identify underlying assumptions about gender, families, and work culture. Following are the results of our investigation.

**The Alternative Work Schedules Act**

The AWSA (PL 99-196) allows federal agencies to offer their employees the option of a flexible or compressed work schedule, or both whereby an employee’s contracted hours are tallied per 2-week pay period instead of per day, as long as these arrangements do not interfere with efficient operations. Most alternative work schedules approved under the AWSA consist of some combination of compressed workweeks, variable hours per day, and individually negotiated arrival and departure times around a set of core business hours (Gore, 1997; U.S. General Accounting Office [GAO], 1994). The statutory guidelines on credit hours allow agencies to permit employees to earn and carry over up to 24 hr per 2-week pay period to the next pay period. Like any of the AWSA features, offering a credit hours provision is at the discretion of the agency head and subject to negotiations. Overtime pay rules still apply if a manager requires a worker to work beyond his or her routine hours on a given day. Coercion of employees by managers to work in an alternative work schedule (AWS) is prohibited, and the final version of the bill secured employees’ rights to address AWS issues in collective bargaining procedures as needed (U.S. Office of Personnel Management [OPM], 2003). AWSs give all employees, regardless of parental status, options to balance work and nonwork responsibilities such as child and elder care, continuing education, or community service.

What has been the impact of the AWSA on federal workers? Numerous governmental reports over the last several decades have documented many beneficial aspects of the AWSA for employees and their families, and these reports played a vital role in passing this legislation. These surveys measured employee and employer perceived benefits of the AWSA, and benefits were found in personal, family, and work domains. Personal and family benefits of flextime included decreased commuter stress, accommodation of religious observances, flexibility to pursue continuing education, and flexibility to attend to children’s needs and medical appointments. Worker benefits included improved worker morale and increased productivity during early and late quiet work hours. Employers also noted benefits from the AWSA such as the ability to competitively recruit for and retain high-quality employees, the ability to attract a more diverse workforce, improved productivity and efficiency, and the ability to offer expanded hours of service to the public by staggering work schedules (Gore, 1997; U.S. GAO, 1994; U.S. Government Accounting Office Personnel Appeals Board, 2001; U.S. OPM, 2003).

On the other hand, a rigorous family impact analysis of AWS among federal employees, conducted in the early 1980s under the direction of the Family Impact Seminar, asserted less global positive outcomes of AWS for working families (Bohen & Viveros-Long, 1981). It was hypothesized that those federal employees using flexible work schedules would report less family stress, more time spent with family, and greater equity between household adults on time spent doing household/childcare work than their standard hour counterparts. However, the study found that although flextime did reduce stress for certain groups (i.e., single workers, employees without children, and males whose spouses were not employed), flextime arrangements made no difference in the stress levels of single mothers and mothers with children. These researchers concluded that the workers in the early 1980s who benefited most from flextime were those with the least amount of family-work
stressors to begin with and that flextime was important but insufficient to relieve stress or alter household labor equity for those women who already had a high level of objective family-work conflicts and stressors to manage (Bohen & Viveros-Long). These mixed early reviews of the impact of the AWSA warrant further analysis of this policy.

**Legislative History**

The AWSA was authorized on a 3-year experimental basis twice (in 1978 and again in 1982) before becoming permanent legislation in 1985 (see Appendix). How did a policy that was first meant to deal with Washington, DC traffic congestion in 1978 become a centerpiece of federal family-friendly policies by 1997? The legislative discourse during the three phases of AWSA hearings and subsequent implementation phases is described below.

**Phase I: The First 3-Year Experiment (PL 95-390)**

The Federal Employees Flexible and Compressed Work Schedules Act of 1978. The initial policy was passed under the Carter administration with strong bipartisan support. The House version of the bill, H.R. 7814, passed in May 1978 by a five to one margin, and the Senate version, S. 517, passed with strong bipartisan support as well. The bills were sent to the Senate Subcommittee on Labor of the Committee on Human Resources, and the House version of the bill was eventually passed by the Senate in lieu of S. 517 on September 29, 1978 (PL 95-390), thus authorizing the first 3-year experiment of the AWSA for federal employees.

The primary stated justification in the hearings for the initial policy was to decrease traffic congestion in Washington, DC by staggering work hours and allowing fewer days in the office for commuters. Three other reasons were cited to conserve energy, to improve government efficiency, and to accommodate a changing workforce (U.S. General Accounting Office Personnel Appeals Board, 2001). For example, during the S. 517 hearing, Senator Jacob Javits (R-New York) remarked that

... experiments ... called flextime are imminently justified by the fact that a great many people are coming into the workforce, especially women, who need flexible schedules, and can be productive members of the workforce but may not be able to work exactly the hours that are traditional for employees of the Federal Government (U.S. Congress, 1978, p. 39).

However, much of the initial support for this bill seemed to stem from its potential energy-saving merits considered urgent in light of the energy crisis of the late 1970s. Ersa Posten, from the Civil Service Commission, commented, “One of the most important prospects provided by this legislation is . . . investigating the energy conservation and transportation efficiency potential of alternative work schedules (U.S. Congress, 1978, p. 41).” Perhaps ahead of his time, Posten also broadened the notion of who can benefit from this bill to all employees (not just working mothers, as in other testimony) and framed it in terms of quality of life. He noted that

We regard the opportunity to have some control over one’s own work time as an important step in improving the quality of work life. Flextime has been shown to be advantageous to management . . . yet it benefits employees by enabling them to accommodate work schedules to the additional demands that families, personal business, civic commitments, and the need for continuing education make on their time (p. 42).

In the 1978 deliberations, only two testimonies expressed reservation or opposition to the experimental passage of S. 517. Surprisingly, both were by unions, although other union representatives expressed strong support of the bill, particularly of the accommodations for religious observance. The first dissenting opinion was from a representative of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), and his main concern was the weakening of overtime pay opportunities for employees. The second dissenter challenged the notion that this bill would improve worker conditions, noting that it does not reduce the workweek hours, only reshuffles them.

**Phase II: Reauthorization of a Second 3-Year Experiment (PL 97-221)**

The Federal Employees Flexible and Compressed Work Schedules Act of 1982. By the time the first
3-year experimental phase was completed, there had been a change from the Carter to the Reagan administration. Geraldine Ferraro sponsored the House bill (H.R. 5366) that was almost identical to the wording of the 1978 version (PL 95-390). The competing Senate legislation (S. 2240) was drafted by the Office of Personnel Management (OPM) at the request of the new administration. The AWSA had become very popular among federal employees, and the OPM report on the first 3-year experiment, conducted during the previous administration, had declared it a success and recommended permanent legislation for the AWSA. This favorable report by a government entity made it a difficult bill for a new administration to publicly oppose.

However, the OPM version of the bill introduced in the Senate significantly altered the bill. It asserted that flextime should only be used in instances where it could be proven to increase efficiency of operations and save taxpayers’ money. Second, this version also would have granted managers and heads of departments the “reserved right” to initiate or terminate the AWSA at their discretion. Third, the Senate version forbade the use of collective bargaining to initiate the AWSA or to challenge managerial termination of the AWSA. Fourth, it sought to require bureaucratic approval and oversight by OPM of all AWSA practices. Overall, it sought to shift the balance of control over one’s schedule from the employees back to managers and agency heads, although eliminating any chances for workers to appeal (U.S. Government, 1984). Donald Devine, Director of OPM under Former President Reagan, testified in support of the Senate version of the bill regarding the restricted use of the AWSA:

> . . . in the administration’s position, it is absolutely critical that this be a management right and that the presumption be on the side of management . . . and not be a joint endeavor in which convenience for employees would be treated equally . . . (U.S. Congress, 1982, p. 10).

Each of the additional restrictions on the AWSA that the Senate version of the bill proposed was challenged throughout the hearing. Catherine Waelder, attorney for the National Federation of Federal Employees, refuted the Senate version’s proposal that employees would need to demonstrate that the AWSA would improve efficiency before implementing the AWSA. She argued that:

> The new controls sought by OPM and GSA includes a need to show a benefit to productivity before starting a flexible or compressed workweek program . . . there is no way that you are going to be able to show before you institute such a program that this will increase productivity or will increase efficiency of service to the public (U.S. Congress, 1982, p. 39).

The administration’s version of the bill gave managers the reserved right to initiate or terminate the AWSA at their own discretion and eliminated the use of collective bargaining negotiations on AWSA issues; however, these provisos were both refuted as a violation of worker rights. Later, as reported by the OPM (U.S. OPM, 2003) in the 1988 case Bureau of Land Management v. Federal Labor Relations, the courts also ruled in support of workers’ collective bargaining rights, as originally envisioned by the AWSA.

Proponents of Ferraro’s H.R. 5366 version cited the previously positive OPM report regarding the first 3 years of experimentation with the AWSA. The AWSA was given credit for improving worker morale, productivity, and efficiency; expanding hours of public service; accommodating religious observances, and offering needed flexibility to working parents (U.S. Congress, 1982). In opposition to the existing AWSA, proponents of the administration’s Senate version were concerned that employee rights not be inflated and that management maintains a high degree of control over employee’s schedules and use of the AWSA.

Although the first bill in 1978 had at least given some attention to the benefits of the AWSA for working mothers and families, this issue was curiously sidelined in the 1982 Senate hearings. Geraldine Ferraro’s testimony in support of the existing AWSA was one of the few that presented information on the positive effect of the AWSA on working families. Testimony in opposition to the existing AWSA and in favor of the Senate revisions made no mention of families or working mothers, only admonitions that worker “convenience” should not be pursued above the goals of efficiency and productivity. The dilemmas faced by increasing numbers of mothers in the
workforce were largely ignored in this round of hearings.

Nonetheless, and in spite of opposition, in 1982, the AWSA was again passed on an experimental basis for 3 more years (PL 97-221). The H.R. 5366 passed in the House, and the companion bill, S. 2240, passed in the Senate. Subsequently, the legislation was sent to a Conference Committee to reconcile differences in these bills. What were the compromises that led to successful passage? The H.R. 5366 supporters, who sought AWSA reauthorization without modification, were able to secure the following: (a) collective bargaining negotiations and appeals were allowed in order to protect workers from capricious management decisions regarding the AWSA, (b) governmental agencies could establish an AWS program without demonstrating cost-effectiveness a priori, (c) management had to provide evidence and a rationale for the termination of inappropriate AWS programs, and (d) unions were encouraged to be involved in negotiations with management in the early stages of setting up AWS programs (U.S. OPM, 2003, p. 2).

What did the S. 2240 supporters, who favored uncontestable management control over work schedules, gain in this legislative bargain? They secured additional administrative controls. Within management-union negotiations at the start-up of the AWSA, specific individuals or groups of employees could be excluded from AWS programs if there was evidence to suggest that their participation would have an adverse impact on the mission of the agency. Once AWS programs were in place, management could terminate them if there was evidence of adverse impact. It was agreed that OPM would oversee all AWS programs and that a basic work agreement would be established for all employees under the AWSA (U.S. OPM, 2003). Finally, perhaps as a final compromise or accommodating gesture, the S. 2240 version rather than H.R. 5366 was passed into law, even though most of the characteristics of the initial (House) bill were maintained, and most of the additional criteria for using the AWSA introduced in the Senate version were not included (with the exception of OPM oversight of the AWSA).

**Phase III: Permanent Legislation Is Passed (PL 99-196)**

*Federal Employees Flexible and Compressed Work Schedules Act of 1985.* The AWSA became permanent legislation on December 23, 1985, under the Reagan administration with little fanfare or controversy compared to the 1982 hearings. The House version of the reauthorization bill (H.R. 1534) had strong bipartisan sponsorship from 69 representatives and the unanimous approval by the House Committee on Post Office and Civil Service. It passed with a two-thirds vote in the House, and the House version (H.R. 1534) passed in the Senate without any objection. By 1985, the benefits of the AWSA to families, working mothers, and quality of life were openly acknowledged, as well as improvements in morale, productivity, and service flexibility. Testimony in the House by Congressman Chris Smith from New Jersey was typical:

During these 6 years, the program has received resounding approval from both agency management officials and employee representatives. For the employees, flexible and compressed schedules allow greater control over their own lives. Civil servants are better able to schedule their time outside of traditional work period leaving more time for recreation and an enhanced quality of life. Parents in two income families are better able to work around their children’s schedules and can often arrange for one to be home before children leave for school and the other when they return . . . The AWS Program has allowed the Federal Government to better serve the public by extending service hours . . . (U.S. Government, 1987, p. 12531).

By 1985, the AWS program was firmly established among federal employees, with an estimated 300,000 – 489,000 (out of 2.1 million) federal employees using AWSs.


With the passage of permanent legislation in 1985 under the Reagan administration, it would seem that the story of this bill is complete. However, this case study reveals how nearly a decade later the Office of the President can continue to exert influence on policy implementation. During the Clinton administration (1992 – 2000), the AWSA was reinvigorated through several presidential memos, and it was presented as a model of family-friendly workplace
policy (Gore, 1997). Soon after assuming office, Clinton ordered a study of the AWSA by the General Accounting Office. The final report was entitled, “Alternative Work Schedules: Many Agencies Do Not Allow Employees the Full Flexibility Permitted by Law” (U.S. GAO, 1994), suggesting that the AWSA program was underutilized within federal agencies. The Clinton administration sought to reverse this trend. Through three influential presidential memos in 1994, 1996, and 1999 (Gore; U.S. Government Accounting Office Personnel Appeals Board, 2001), Clinton urged all federal agencies to evaluate and increase their usage of the AWSA among employees. He encouraged agencies to offer employees the maximum flexibility permitted by law and shifted toward an expectation of flextime so that the burden of proof was on each agency to offer the AWSA or to justify why it was not offered.

Clinton also requested that then Vice President Gore oversee a study on the status of family-friendly policies for federal employees. This ensuing report was entitled, “Turning the Key: Unlocking Human Potential In The Family-Friendly Federal Workplace” (Gore, 1997). Gore issued strong recommendations for the federal government, as one of the nation’s largest employers, to continue to set the standard for a family-friendly workplace. He recommended that the federal government supports its employees in their family roles by helping them secure child care, provide elder care information and referral services, expand flexible hours programs, encourage telecommuting, promote father involvement in parenting, and listen to employees’ suggestions. In keeping with this workplace enhancement goal, several additional family-friendly policies were passed for federal employees in 1993 – 1994, as described earlier in this article.

**Phase V: Current Institutionalized Status of AWSA**

Today, AWS within agencies of the federal government is commonplace. However, it is still considered a discretionary benefit program, subject to the approval of each agency director. An OPM human resource specialist stated that OPM does not routinely monitor agency or employee usage of the AWSA, track numbers of users, or maintain administrative control over this program. However, OPM is permitted to conduct a study of the AWSA if requested by Congress or the President. According to this OPM specialist, there have been no changes made to this popular program under the G. W. Bush administration (S. Dobson, personal communication, June 7, 2004). Table 1 provides examples of themes and controversies in the history of AWSA and how these link to feminist criteria that may be used to effectively develop, evaluate, or advocate for flextime policies.

**Feminist Criteria for Evaluating Flextime Policies**

As the push for national flexible work legislation gains momentum, it is critical that we sharpen our abilities to assess flextime policies or we risk developing programs with minimal or adverse impact on families most stressed by work/family conflicts. Feminist theory challenges the assumption that all “flexible work” is beneficial for all workers or all families and facilitates examination of the issues and effects from multiple standpoints. For example, conditions surrounding nonstandard work hours influence whether or not such work options have a positive or negative impact upon families (Adler & Adler, 2003; Beers, 2000), and the presence of traditional patriarchal workplace views may dictate who is encouraged to use flextime policies. Furthermore, there may be unanticipated effects of flexible workplace policies on expectations of workers, particularly women. As Fraenkel (2003) has noted, there are highly complex relationships between work hours, schedules, work-at-home technology, and well-being, and employees with more job autonomy, control, and flexibility may experience their work as hectic and demanding. This paradox highlights the unanticipated possibility that flextime alone, without substantive changes in gender roles and work cultures, may only increase demands upon working mothers, in keeping with what Hochschild (1997) has termed “the second shift” and “the time bind.” Feminist theory is useful for elucidating these subtle implications and underlying assumptions about gender, roles, power, and privilege. The key issues raised in this historical account of flextime legislation suggest that the following minimum criteria, consistent with feminist principles, be applied in evaluating the impact of flextime policies on families.

**Worker power (autonomy).** Policymakers and advocates can use a feminist lens to examine whose interests (e.g., business or families) are reflected in the wording of a policy. Do the terms of the policy...
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<th>Legislative Phases</th>
<th>Themes</th>
<th>Examples</th>
<th>Feminist Criteria</th>
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| Phase I (1978 – 1981) | ● Control over schedule  
● Expected benefits of flextime  
● Individuality of workers’ preferences is normalized  
● Flextime & religious diversity  
● Language for caregivers is gender neutral  
● Policy framed as promoting quality of life for all employees, not framed as family policy | Congressional testimony repeatedly notes that the increased control over one’s schedule offered by flextime was expected to boost worker morale, attract employees, and help them manage multiple life roles.  
Flextime was promoted as a means to support pluralistic religious expression among federal workers, for example, the ability to leave on Fridays before sundown for religious services.  
Congressional testimony allowed and promoted diverse reasons for using flextime, for example, children, continuing education, volunteering, or pursuing avocations. It was not considered a benefit only for those with young children but for all employees for a wide variety of personal reasons. | Autonomy & Worker Power  
Unbiased Policy Implementation  
Universal Access |
| Phase II Reauthorization 1982 – 1984 | ● Management-worker conflicts  
● Preservation of authority  
● Style of management is a latent issue in debates (e.g., authoritarian vs. authoritative)  
● Views on workers’ rights & trustworthiness  
● Voluntary nature of AWSA  
● Acceptable justification for AWSA adoption is debated  
● AWSA benefit to workers versus benefit to agency efficiency  
● Individuality of worker needs and schedules is challenged  
● Concern over possible coercive use of AWSA & loss of overtime pay  
● Compromises negotiated  
● Common ground is established  
● Workforce needs (e.g., stability) a high priority  
● Pressure to continue a successful program influences policy adoption | Extensive modifications to the temporary AWSA proposed by the new administration revealed efforts to preserve and enhance management’s authority over workers, such as the reserved right to approve or terminate flextime, or both at the discretion of management, the elimination of workers’ collective bargaining rights over flextime, and concern over insufficient supervision of workers on flextime.  
Legislative text clearly states that participation in AWS should be voluntary. The program was designed as a benefit to workers if/when it had no negative repercussions on business. The opposition wanted to approve AWSA only when it would increase the efficiency of the organization, not merely for workers’ benefit. Schedule preferences and needs among workers were rephrased by the opposition as “worker convenience.”  
Oppositional testimony by several union members against the AWSA demonstrated a concern about the loss of overtime pay and about workers potentially being forced to use alternative schedules. However, the legislation was clearly worded to prohibit coercive use of AWS.  
Significant compromises were made by both the Senate and the House to resolve their disagreements over the AWSA; however, they still were unable to pass permanent AWSA legislation. A common interest in the stability of the federal workforce, concern for the morale of federal employees, and the pressure to continue a successful and well-liked program prevailed over polarization among policymakers and resulted in approval of another 3-year temporary AWSA policy. | Shared Responsibility & Benefit  
Worker Protection  
Autonomy & Worker Power  
Cooperation & Common Ground |
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<td>Phase III 1985 + Permanency</td>
<td>• Bipartisan support</td>
<td>Bipartisan testimony noted the many benefits of the AWSA to families and improvements in quality of life, morale, productivity, and service flexibility. Though minor opposition to the AWSA was still evident in the hearings, for example, one testimony raised the concern that employees might “cheat” on their timesheets; there was a shared understanding about the value of the AWSA to workers and families. With this strong bipartisan support, it became permanent.</td>
<td>Cooperation &amp; Common Ground</td>
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<td>• Further evidence of AWSA benefits presented</td>
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<td>• Opposition is voiced but overruled</td>
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<td>Phase IV Implementation (1992+)</td>
<td>• Use of studies and data to assess workers' access to AWSA</td>
<td>A president-issued study showed that the AWSA was not being implemented in a uniform way across all federal departments. A series of presidential memos urged agency heads to allow AWS to the full extent of the law.</td>
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<td>• Assess implementation</td>
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<td>• Language specifically describes caregivers as both male and female</td>
<td>The presidential report and memos specifically encouraged both fathers and mothers to utilize AWS to accommodate and fulfill their family and work responsibilities.</td>
<td>Unbiased Policy Implementation</td>
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<td>• AWSA is finally framed as a family policy</td>
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<td>• Vision of family-friendly workplace articulated</td>
<td>For the first time, these documents explicitly framed the AWSA as family policy and attempted to inspire managers in the federal government to help make the federal workplace a model of family-friendly business practices for the nation. These documents appealed to the common desire among all political persuasions to support policies and programs that help families.</td>
<td>Cooperation &amp; Common Ground</td>
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<td>• Bipartisan support</td>
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*Note: AWSA = Alternative Work Schedule Act; AWS = Alternative Work Schedule.*
grant workers more power and control over their schedule in order to balance family demands or do the terms reduce worker power and predictability solely to maximize efficiency and profitability for the company? Research shows that voluntary flexibility gives workers a sense of control and greater job satisfaction (Halpern, 2005a; Jacobs & Gerson, 2004), whereas jobs that are low control/high demand are strongly associated with negative health outcomes (Soderfeldt, Soderfeldt, Ohlson, Theorell, & Jones, 2000). Furthermore, the presence of collective bargaining units, which grant workers enhanced power and rights to appeal, has been associated with better conditions for workers (Wright & Wysong, 1998; Wysong & Wright, 2003). As evident in this case study, the issue of managerial versus worker power to determine work schedules has been controversial. Clearly, from a family perspective, highly irregular or unpredictable “flexible” work schedules that are made a condition of employment have far different implications for families than flextime policies that are based on worker choice and convenience (e.g., variable hours, compressed workweeks, or optional credit hours/compensatory time). The sine qua non of family-friendly flextime policies is that they allow workers to have some degree of control over structuring their workday or workweek, or both.

Universal access (equity). Policies are needed that promote widespread accessibility for workers such as wage earners, employees in small companies, and single parents. However, feminist theory suggests that we also examine the impact of workers’ positional power on whether their access to flextime is beneficial or a source of stress. Researchers have found that it is inaccurate to assume most parents have a 9 – 5 workday; there may also be different definitions and effects of “flexibility” depending on SES and type of job (Perry-Jenkins, Repetti, & Crouter, 2003; Presser, 2003). For example, professionals are more likely to have access to voluntary flexible work schedules than lower wage employees (Adler & Adler, 2003; Bond, Galinsky, & Swanberg, 1998), and “forced flexibility” such as nonstandard, shift, or rotating work hours is associated with low wages, poor job security, and health risks (Presser). Currently, most flexible work options are contingent upon worker technological savvy and professional autonomy (e.g., telecommuting, self-managed schedules, project-based work), which exclude most low-wage workers. Research shows that many low-income families endure highly complex, time-pressed lives in order to survive (Roy, Tubbs, & Burton, 2004). Thus, the families who are most economically stressed are often the ones whose jobs offer the least flexibility or security in the face of family needs (Moen & Roehling, 2005). Policymakers need to be aware of these dynamics and craft legislation that does not repeat the limitations of the FMLA, a policy that applies only to companies with 50 or more employees, amounting to coverage for only about 6% of companies and about 60% of the nation’s workforce (Wisenale, 2003). Does a particular flextime bill have the potential to extend the positive aspects of the AWSA to more Americans, particularly to lower wage workers and those employed in companies with less than 50 employees, or does it simply codify benefits already available to many higher wage workers and professionals?

Shared responsibility and benefit (power). Clearly, flextime policies must benefit both employer and employee to be viable and each party has a role in successful implementation. Workers should be empowered to request flexible schedules, and managers should be encouraged to offer flextime unless it would be disruptive to business. Feminist theory highlights the potential power imbalance between workers and employers/managers and, consequently, suggests that the employer is in the best position to establish flextime options when possible, even when the main benefit is worker morale, health, or convenience rather than the employer’s profit margin. As was established in the AWSA hearings, employees should not have to provide evidence that flextime would improve agency efficiency prior to it being offered. Innovative policies are needed that encourage management and workers to collaborate to create work cultures and conditions that support flexibility.

Worker protections (nonexploitation). It is important to ensure that both men and women are supported in utilizing flexible policies to balance family and work responsibilities. Research suggests that work-family benefits are used inconsistently, often lack managerial support, and may carry unspoken career penalties if used (Glass & Estes, 1997; Hochschild, 1997). Additionally, proper safeguards against worker exploitation, given the power and privilege of many employers over employees, must be assessed. Women in nonmanagerial positions, immigrants, and low-wage workers with few job options may be particularly at risk for labor
exploitation in contexts where sexism, classism, and language barriers impede workers’ abilities to engage in self-advocacy. A persistent concern of many non-managerial workers and unions, both in the history of the AWSA and in the recent revisions of the Fair Labor Standards Act, is the potential loss of overtime pay, on which many families depend, as a result of involuntary flexibility. It is important to assess the balance of power wielded by employer and employee in flextime policies and ensure that worker protections against labor exploitation are clearly articulated.

Unbiased policy implementation (nondiscrimination). Does a proposed bill merely permit flexible work arrangements or does it actively encourage or require state or private sector employees to offer AWS options to employees when appropriate? Without a sufficient mandate, implementation may simply mirror the current biases and privileges favoring high-earning professional workers, as feminist theory cautions. We still have a work system that does not match with the norms of contemporary families (Moen & Roehling, 2005). Current U.S. employment law still makes it legal to fire an employee who refuses to work overtime even if their refusal is because they must care for a family member and legal to pay part-time employees a lower hourly rate than full-time employees for the same work (Halpern, 2005b). These policies disproportionately discriminate against lower wage workers, women who continue to assume primary family caregiver roles, and men who choose to be involved in family caregiving as well. We need to continue to challenge the old rules of “work culture” that were built on the assumption of free domestic labor in the home by a “wife” and accept that both men and women want to be involved in both work and family/community life (Moen & Roehling). We also need to examine the untenable positions and disproportionate burdens our policies and distribution of benefits such as flextime have on low-wage workers with families.

Establish common ground (cooperation). Family-work policies must appeal to diverse stakeholders with commonly held concerns and values such as family well-being, public health and safety, and global economic competitiveness. Family-work policies must not be framed as women’s issues only; they need to be designed with both men and women in mind (Halpern, 2005b). Moreover, work and family conflicts are not just about child care. Solutions for restructuring the workplace must also alleviate some of the stress brought on by caring for aging adults or family members with disabilities (Haddock & Bowling, 2001; Halpern). Successful policy depends on finding common ground among employee, business, and political stakeholders who may hold differing beliefs, realities, and opinions (Bogenschneider, 2000; Elison, 1997; Zimmerman, 2001).

Discussion

Compared with other industrialized nations, the United States has been reluctant to mandate workplace changes in order to accommodate the needs of families (Kamerman & Kahn, 1986), and the U.S.’s ambivalence about gender equality produces contradictory and piecemeal family policy (Burstein & Wierzbicki, 2000; Seaberg, 1990). Research indicates that public opinion not only influences policy but also that public policy shapes public opinion (Burstein, 2003; Burstein & Wierzbicki). Therefore, policymakers have an opportunity to be proactive in promoting work policies that lessen gender and class discrimination and that raise expectations for work conditions that are compatible with family responsibilities.

Monroe et al. (1995) noted that many workplaces in the United States have adopted flexible schedules but for reasons other than responsiveness to family needs. They adopt policies that make good business sense, to improve productivity and competitiveness, and that minimize interference with work demands. “These policies focus on helping workers cope better with job demands and seldom focus on changing the workplace and decreasing the need for coping” (Monroe et al., p. 10). However, the source of motivation to provide family-friendly benefits may not be as important as the fact that changes in the workplace are occurring. Given the ambivalence about gender equality in the United States (e.g., the repeated failure to pass the Equal Rights Amendment despite 30 years of legislative effort as noted by Burstein, 2003), successful passage of national work-family policies may require appealing to lawmakers and the public on indirect levels, just as the AWSA was first approved to remedy traffic congestion but was subsequently touted for its positive impact on families.

This analysis provides several lessons for policymakers. In Phases I and II of the legislation, this case
study shows how workplace family policy debates may skirt the issue of women’s workforce roles even though this may be central to a policy. This study also shows how policies that benefit workers, and even empower them, can be enacted through discourses other than worker power to audiences who may not be receptive to such a discussion, as found in Phase I regarding the appeal to lawmakers to offer expanded government services and meet labor shortage demands. As such, family workplace policies may have stronger support if they also respond to trends in the economy and employment market dilemmas. Phase II illustrates the enduring struggle between traditionally hierarchical assumptions about workplace organization and other models involving greater worker control. However, Phases II and III show that family-friendly work legislation can be successful, despite controversies and resistance and regardless of political climate. As shown in Phase III, effective family-work policy advocacy requires time, persistent effort, the accrual of broad support, sustained expectation of success, and perhaps some pressure from workers themselves. Phases I and IV show how external events such as the energy crisis, traffic congestion, a change in administrations, shifting public opinion, and new political priorities may create surprising opportunities for change. Finally, Phase IV of this legislation demonstrates how a successful law alone is not sufficient to ensure that families benefit from innovative policies; Phase IV highlights the importance of leadership, promotion, and commitment to implementation before full institutionalization of a policy or program is realized, as noted in Phase V.

Conclusions

In this paper, we outlined the content of the AWSA policy, summarized the policy’s impact, and documented its legislative history. We also highlighted the main arguments for and against the AWSA, examined the legislative compromises that facilitated successful passage, and identified attitudes about gender, families, and work culture as contextual factors. Finally, we examined implementation changes in the decade after the policy was enacted, outlined lessons learned from the case study, and developed a set of criteria—grounded in feminist theory—for evaluating flextime policies. Feminist theory provides a useful framework for analysis of flextime policy issues and can move us toward flextime legislation that will have a positive impact upon diverse families. Continued research from a feminist perspective is needed to further deconstruct gender and class assumptions embedded in family-friendly workplace policies. Research is also needed that examines workplace policies multidimensionally for their impact on those occupying various positions of social statuses and power in the workplace. Finally, research must continue to identify and challenge patriarchal and hierarchical assumptions about the culture of work (Meiksins & Whalley, 2002; Moen & Roehling, 2005; Pink, 2001), so that we can envision possibilities for how work, family, and life might be creatively restructured in ways that are beneficial to all stakeholders.

References

### Appendix. **Timeline of Selected Events Related to the Alternate Work Schedules Act**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968</td>
<td>German company offers flexible work hours to reduce traffic congestion problems, soon followed by similar U.S. experiments in the private sector.</td>
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<tr>
<td>1975</td>
<td>Report to Congress on potential benefits and drawbacks to AWS for federal employees.</td>
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<tr>
<td>1981</td>
<td>OPM reports to Congress on the successful AWS experiment.</td>
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<tr>
<td>1981</td>
<td>Publication of an in-depth family impact analysis of AWS among federal employees.</td>
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<tr>
<td>1981</td>
<td>Representative Geraldine Ferraro sponsors a bill (H.R. 5366) to reauthorize act “as is.”</td>
</tr>
<tr>
<td>1981</td>
<td>The administration asks OPM to devise an alternative version of bill (S. 2240) enhancing managerial control and prohibiting collective bargaining to resolve disputes.</td>
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<tr>
<td>1982</td>
<td>Temporary extension of existing act (PL 97-160).</td>
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<tr>
<td>1985</td>
<td>Report on AWSs for Federal Employees by GAO.</td>
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<tr>
<td>1994</td>
<td>President Clinton requests GAO to issue a report on the use of AWS entitled, “AWS: Many Agencies Do Not Allow Employees the Full Flexibility Permitted by Law.”</td>
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<tr>
<td>1994, 1996, 1999</td>
<td>President Clinton issues memorandums to agency heads in support of AWS and other family-friendly programs for federal employees.</td>
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<tr>
<td>1997</td>
<td>Vice President Gore issues report, “Turning the Key: Unlocking Human Potential in the Family-Friendly Federal Workplace.”</td>
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<tr>
<td>2000 – present</td>
<td>AWS is considered a standard workplace benefit for many federal employees.</td>
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</tbody>
</table>

*Note. AWS = Alternative Work Schedule; GAO = General Accounting Office.*