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HUNTSVILLE, ALABAMA

ON BEHALF OF THE

SOCIETY FOR HUMAN RESOURCE MANAGEMENT

SUBMITTED TO THE

**U.S. SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND
PENSIONS**

HEARING ON

**“BEYOND MOTHER’S DAY: HELPING THE MIDDLE CLASS BALANCE
WORK AND FAMILY”**

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Introduction

Good morning Chairman Harkin, Ranking Member Enzi, and distinguished senators. My name is Juanita Phillips, and I am Director of Human Resources at Intuitive Research and Technology Corporation (*INTUITIVE*) at our company headquarters in Huntsville, Alabama. I am pleased to appear before you today on behalf of the Society for Human Resource Management (SHRM), of which I have been a member for nearly 20 years. I am also a member of the North Alabama SHRM chapter and the Alabama SHRM State Council. Thank you for this opportunity to testify before the Committee on workplace flexibility issues.

By way of introduction, I have over 24 years of experience as an HR professional at a publishing company, an engine manufacturing company and several federal government contractors. I've managed HR in both collective bargaining and non-unionized environments.

SHRM is the world's largest association devoted to human resource (HR) management. Representing more than 260,000 members in over 140 countries, the Society serves the needs of HR professionals and advances the interests of the HR profession. Founded in 1948, SHRM has more than 575 affiliated chapters within the United States and subsidiary offices in China and India.

SHRM co-chairs the National Coalition to Protect Family Leave, which is a broad-based group of organizations, companies and associations dedicated to protecting the integrity of the Family and Medical Leave Act of 1993. The Coalition supports public policy that promotes voluntary, employer-provided leave benefits to maximize flexibility for both employers and employees.

In addition to advocating for a new approach to workplace flexibility public policy, SHRM has also engaged in a significant effort to educate HR professionals and their organizations about the importance of effective and flexible workplaces. In February 2011, SHRM formed a multi-year partnership with the Families and Work Institute (FWI), the preeminent work-family think tank known for rigorous research on workplace flexibility issues. One of the key elements of the SHRM/FWI partnership is called the *When Work Works* program, a nationwide initiative that intends to promote workplace flexibility through research and local partnerships. Additional information about the SHRM/FWI partnership is offered toward the conclusion of my testimony.

My organization, *INTUITIVE*, is an engineering and analytical services firm begun in 1999 with one contract and two employees. Our two owners, located next door and down the hall from me, are very active workers in the company. We have 243 employees; all but about a dozen work within Alabama. It is not easy to get a job with *INTUITIVE*; we put a great deal of effort into our hiring processes. We are not hiring a person for a specific job but are choosing someone to be part of our company. We then put a great deal of thought and planning into how we will keep those people and are very proud of our 92 percent retention rate. Each full-time

employee has a written plan of what he or she would like to accomplish professionally, and I touch base with each manager quarterly to talk about progress toward those plans. In the 13 years we have been in business, we have not laid off anyone due to lack of work. We are 26 percent veterans, 16 percent disabled, 25 percent retired from elsewhere, and 10 percent co-ops, interns and student hires.

In today's economy, organizations must compete in the global market for skilled, dedicated employees, while managing their labor costs and expenses to remain competitive. HR professionals and employers must also address how to manage their business when faced with challenges such as employee absences due to illness, injury, military deployment or other circumstances. These situations, if not managed correctly, can lead to added workload for colleagues, as well as low employee productivity and low morale. Flexible work arrangements can often help employers meet the needs of their employees under these circumstances, but the same approach will not work for all positions and employees.

In my testimony, I will share with you some of the workplace flexibility practices at my company, reveal recent SHRM research on employer-provided benefits, describe the merits and challenges inherent in the Family and Medical Leave Act (FMLA) and proposed Healthy Families Act, discuss SHRM's effort to educate HR professionals and their organizations about the importance of effective and flexible workplaces, and offer SHRM's workplace flexibility policy recommendations to Congress.

Workplace flexibility practices at *INTUITIVE*

Being a small company of 243 employees, *INTUITIVE* is able to be creative in providing employee benefits and programs. These practices have helped us achieve a 92 percent retention rate and have earned us recognition by several organizations. We were named the number-two Best Small Company to Work for in the U.S. in 2011 by the Great Place to Work Institute (2/3 of scoring based on anonymous on-line employee surveys),¹ and ranked number-two in the Best for Vets Award given by the *Military Times/Edge* magazine for 2012.²

In 2011, *INTUITIVE* was the only company in North Alabama to be recognized for the fourth year in a row as one of the Best Places to Work in Huntsville (entirely based on anonymous on-line employee surveys) by the Huntsville/Madison County Chamber of Commerce, the North Alabama Society for Human Resource Management and the National Children's Advocacy Center. We also won the Family Friendly Award for Huntsville, and we have appeared in AARP's Top 50 Employers in the U.S. for Workers over 50 for the last three years in a row.

¹ Great Place to Work Institute (2011). Great Place to Work Rankings: 2011 Best Small & Medium Workplaces. <http://www.greatplacetowork.com/best-companies/2011-the-great-place-to-work-rankings-the-best-small-a-medium-workplaces-presented-by-entrepreneur-678>

² Military Times EDGE (2012). Best for Vets 2012: Employers. <http://www.militarytimesedge.com/projects/best-for-veterans/best-employers-for-veterans/2012/>

These awards are evidence of the programs and overall approaches we take at *INTUITIVE* in helping our people manage their home and work responsibilities.

Having the ability to design our workplace policies and practices in ways that support our mission and values, and that develop and fulfill our employees, is critical to us. Organizations like ours want to be able to continue to manage our workplace in ways that work for our company culture and help us meet our business objectives. It is of utmost importance to us to inspire and engage our employees. Our 92 percent retention rate, and a greater than 1,330 percent increase in the number of individuals applying for positions in the last few years, both can be greatly attributed to our employees feeling that their work is more than just a job. In fact, the “wall words” on the wall in the HR department state:

“Nothing sells our company like the stories of engaged workers who take pride in where they work.”

Here are some of the components of *INTUITIVE*’s approach to being an effective and flexible workplace:

Flexibility – One of the key components for helping employees meet their work and life obligations is being able to offer flexible work hours. Because we serve many customers that have differing approaches to work hours, we are generally able to match up candidates and employees with the type of flexibility they need. This can sometimes even be done on a temporary basis, when an employee has such a need. We have full-time and part-time positions, and a “provisional” category. This is a category for those who don’t fit the other two – such as those who work full-time for periods of time and then part-time for periods of time; those who work on a couple of projects per year and don’t work in between; those whose hours are sporadic; and our co-ops, interns, and student hires. Our full-time exempt employees work 80 non-prescribed hours during the two-week pay period, providing them with flexibility for appointments, school activities, and other events. We also have employees who have compressed work weeks, some who telecommute, and we also offer job sharing and phased retirement. Employees can better meet their work and life needs when flexible options are available.

While we provide a flexible workplace for all employees, our flexible work schedule is especially attractive to retirees. We have many employees who have previously retired, but come to work for us because they have the skills we need to support specific customers. Our structure allows us to be able to provide the flexibility they often want. In fact, 25 percent of our employees are retired from elsewhere, and 8 percent are using our phased retirement approach. Overall, 30 percent of our workforce has flexible start and stop times; 10 percent have a compressed work week; and 4 percent work from home. We believe all these practices contribute to our ability to attract, hire, and retain the best talent.

PTO – *INTUITIVE* offers employees Paid Time Off (PTO) leave, which is a combination of vacation and sick leave. The amount of PTO we offer to our employees is above the average in our area, per Chamber of Commerce sponsored wage and benefit surveys. New employees receive 15 PTO days per year, accrued per pay period and available for use immediately, and employees reach 20 days of PTO at three years of service. The PTO approach to providing leave is consistent with treating employees as adults; they manage their time-off accruals however they wish without keeping track of multiple banks of leave or needing excuses to satisfy requirements for certain types of leave. Additionally, there are no issues over whether sick leave covers caring for a child or a relative, or the employee's own illness. PTO can be used for any reason and no documentation is required by the employee. Along with our monetary bonus programs, we also have the option of giving employees additional PTO, especially those employees with circumstances where they may appreciate additional PTO days more than money. Overall, providing our employees PTO leave instead of separate vacation and sick leave contributes positively to our professional environment.

Holidays – Another way we provide flexibility to our employees is that *INTUITIVE* makes all 10 of our holidays floatable. If employees prefer to work any particular holiday, they may do so as long as their workplace is open that day and they have supervisory approval. All earned holidays simply must be used before the end of the calendar year. This approach is valuable to an employee in that it provides them with flexibility for scheduling time off, and for making their holidays coincide or alternate with a working spouse's holidays, depending on their needs.

Veterans Programs and VIP Leave – I mentioned that *INTUITIVE* was named the number-two Best for Vets Award winner among employers, according to *Military Times/Edge Magazine* this year. *INTUITIVE* has a very active veterans network within the company, and a very robust veterans program, including each new-hire vet getting to meet our VIP (Veterans Information Program) Contact Coordinator on his or her first day and then being connected to a veteran within the company through a mentoring program. We have a VIP site on our employee intranet portal, which is dedicated entirely to information and resources for our veterans. One component of our VIP Program is VIP Leave, which provides up to three days off with pay per year for appointments at a VA hospital or for a family member's mid-tour return visit. Additionally, activated reservists are given the difference between their military pay and their civilian pay for up to six months. And we love calling our vets "VIPs."

Elder Care Benefit – We see employees who are also caregivers becoming more common. Some of our employees are not only taking care of children, but are also taking care of elderly loved ones. We are proud to have an elder care benefit that provides each employee with a free, annual, 45-minute consultation with experts in the field of elder care, and provides discounts on further services. This benefit also includes four "Lunch 'n Learn" seminars annually on various elder care topics, which a spouse or family member may also attend. A Lunch 'n Learn session is also

provided for managers on the topic of supervising caregivers. The information shared is excellent, the resources are much appreciated, and it is a program that further assists employees with meeting their personal and work needs.

Parental Leave and Disability Insurance – Our short-term disability, which is available to all full-time employees at no cost and available for purchase by non-full-time employees, provides 70 percent of regular pay for up to 11 weeks for new mothers. When fathers in our company plan to take time off for a birth or adoption, they generally have saved enough leave for the event. When they are short, we find a performance event for which to provide them a bonus of additional PTO. We also provide an Adoption Benefit, which is financial assistance awarded upon completion of a successful adoption in which neither adopting parent is the biological parent. Due to our generous short-term disability policy and bonus practices, employees have generally chosen to use those benefits rather than electing to use FMLA in the 13-year life of our company. In addition to the short-term disability described above, the company provides long-term disability to all full-time employees, and makes it available for purchase to non-full-time employees.

Mr. Chairman, at its core, workplace flexibility is about improving business results by giving people more control over their work time and schedules. Traditionally, “work flex” meant variable hours. Today, when we say work flex, we are talking about an effective workplace where realistic work patterns meet the needs of both employers and employees.

All of these practices I described are voluntary. We are not required offer these benefits at *INTUITIVE*, but we do because they work well for our employees and help us attract and retain the best people. However, if *INTUITIVE*'s benefits were forced onto another employer in Huntsville, or across the state or the country, these benefits might not work as well in meeting the business needs of their organizations and the personal needs of their employees. For flexible workplaces to be effective, they have to work for both the employee and the employer. What works at one organization may not be appropriate for another organization's culture, business structure or industry.

SHRM Research

On April 30, 2012, SHRM and the Families and Work Institute (FWI) jointly released the 2012 National Study of Employers.³ First conducted by FWI in 1998, the National Study of Employers is the most comprehensive and far-reaching study of the practices, policies, programs and benefits provided by U.S. employers to address the changing needs of today's workforce and workplace, including workplace flexibility, health care and economic security benefits, care-giving leave and elder care assistance.

³ Matos, K. & E. Galinsky (2012). 2012 National Study of Employers. http://familiesandwork.org/site/research/reports/NSE_2012_.pdf

This survey found that employers are increasing employees' options for managing when and where they work, while reducing some options that affect how much they work. For example, significantly more employers are allowing at least some employees to:

- use flex time and periodically change starting and quitting times within some range of hours (66 percent in 2005 to 77 percent in 2012);
- take time off during the workday to attend to important family or personal needs without loss of pay (77 percent in 2005 to 87 percent in 2012);
- work some of their regular paid hours at home on an occasional basis (34 percent in 2005 to 63 percent in 2012); and

At the same time, opportunities to work a reduced schedule or take extended leaves away from work have declined. Significant decreases were found in employers allowing at least some of their employees to:

- return to work gradually after childbirth or adoption (86 percent in 2005 to 73 percent in 2012),
- take a career break for personal or family responsibilities (73 percent in 2005 to 52 percent in 2012), and
- move from full-time to part-time work and back again while remaining in the same position or level (54 percent in 2005 to 41 percent in 2012).

While there has been a decrease in the maximum length of care-giving leaves for new fathers following childbirth, new adoptive parents, and employees caring for seriously ill family members, the study also found that more employers today are providing at least some replacement pay for maternity leave during the period of disability.

The data show that employers continue to find ways to offer flexibility to their employees, despite the economic challenges they face. Employers are dealing with lingering economic instability by trying to accomplish more with fewer employees. While it may have been expected that employers would cut back on flexibility entirely during the economic downturn, we are seeing employers leverage flexibility to remain competitive and recruit and retain the best talent.

Each year, SHRM surveys its members to produce an Employee Benefits research report that provides comprehensive information about the types of benefits U.S. employers offer to their employees. For the 2011 Employee Benefits research report by SHRM, 284 benefits were explored, covering the areas of health care and welfare benefits, preventive health and wellness benefits, retirement savings and planning benefits, financial and compensation benefits, leave benefits, family-friendly benefits, flexible working benefits, employee services benefits, housing and relocation benefits, and business travel benefits. The report also examines trends in employee benefit offerings over the last five years.

Regarding paid leave benefits, the 2011 Employee Benefits research report found that:

- 97% of respondents said their organizations provide paid holidays,
- 92% provide paid vacation days (48% provide paid time off (PTO) plans, 44% provide paid vacation plans), and
- 90% provide paid bereavement leave.

Regarding flexible working benefits, the report revealed that:

- 53% provide flextime,
- 45% provide telecommuting on an ad-hoc basis, 34% provide telecommuting on a part-time basis, and 20% provide telecommuting on a full-time basis, and
- 35% provide compressed workweek.⁴

Family and Medical Leave Act

The Family and Medical Leave Act of 1993 (FMLA) provides unpaid leave for the birth, adoption or foster care placement of an employee's child, as well as for the "serious health condition" of a spouse, son, daughter, or parent, or for the employee's own medical condition. The leave also provides specific protections for employees who have family members that have been called-up to serve on active duty in the military or for employees to take care of a covered service member who has suffered an injury or illness incurred in the line of duty.

From the beginning, HR professionals have struggled to interpret various provisions of the FMLA. What began as a fairly simple 12-page document has become 200 pages of regulations governing how the law is to be implemented. This is the result of a well-intentioned, but counter-productive attempt to anticipate every situation in every workplace in every industry – without regard for the evolving and diverse needs of today's workforce or the new operations and technologies that organizations employ to stay competitive.

Among the problems associated with implementing the FMLA are the definitions of a serious health condition, intermittent leave, and medical certifications. In fact, 47 percent of SHRM members responding to the *2007 SHRM FMLA and Its Impact on Organizations Survey* reported that they have experienced challenges in granting leave for an employee's serious health condition as a result of a chronic condition (ongoing injuries, ongoing illnesses, and/or non-life threatening conditions). Vague FMLA rules mean that practically any ailment lasting three calendar days and including a doctor's visit now qualifies as a serious medical condition. Although we believe Congress intended medical leave under the FMLA to be taken only for truly serious health conditions, SHRM members regularly report that individuals use this leave to avoid coming to work even when they are not experiencing serious symptoms. This behavior is damaging to employers and fellow employees alike.

⁴ Society for Human Resource Management (2011). 2011 Employee Benefits: A Research Report by SHRM.

I have experienced the above difficulties at various organizations. However, while our employees are covered by and eligible for the FMLA, *INTUITIVE* is generally able, through our programs, to provide short-term disability and paid leave benefits to employees while they are out on leave. When an employee returns from leave, he or she returns to their same work, or something even better that is in keeping with their personal professional goals, which as I mentioned are in writing and are routinely reviewed for progress.

Healthy Families Act

Mr. Chairman, we share the goal that employees should have the ability to take time off to attend to their own or a close family member's health, or to seek or provide help related to domestic violence. However, at a time when employers are facing unprecedented challenges, imposing a costly paid leave mandate on employers could easily result in additional job loss or cuts in other important employee benefits.

As a result, SHRM has strong concerns with the one-size-fits-all mandate contained in S. 984, the "Healthy Families Act (HFA)." The bill would require public and private employers with 15 or more employees to provide 56 hours – effectively seven days – of paid sick leave annually to each employee. Employees who work for 20 or more calendar workweeks in the current or preceding year would be eligible for HFA leave, and they would accrue one hour of paid sick leave for every 30 hours worked. Under the HFA, an employee begins accruing the sick time upon commencement of employment and is able to begin using the leave after 60 days. The paid sick time could be used for the employee's own medical needs or to care for a child, parent, spouse, or any other blood relative, or for an absence resulting from domestic violence, sexual assault or stalking. While the HFA presents a host of practical concerns, I would note four significant challenges with this bill from an HR professional's perspective.

First, despite the merit of employer-provided leave for the nominal events in the legislation, the qualifying events that may trigger leave eligibility for the employee in the HFA, like the current FMLA, are still vague and ill-defined. Under the current FMLA, employers and employees alike must make a determination if the requested leave is eligible for coverage as a qualifying event. While in many instances this determination of leave eligibility under the FMLA can be made easily, in others it requires the employer and employee to make a rather subjective, sometimes intrusive determination to determine leave eligibility – often leaving both parties frustrated and distrustful of each other. The HFA allows an employer to require an employee's request for paid sick time be supported by a certification issued by a health care provider, but only if the leave duration was longer than three consecutive workdays. But episodic or intermittent leave use under the FMLA remains the primary administrative challenge for employers. Thus, unfortunately, we anticipate that employers and employees will have a similar experience under the HFA in trying to determine leave eligibility.

Second, the HFA would disrupt current employer paid leave offerings. For example, the legislation states that unless the employer's existing leave policy meets the "requirements" and the "purposes and conditions outlined in subsection (b)", the employer will still be required to provide the additional paid sick time required by the HFA. If enacted, the HFA would require all covered employers to amend or drop their existing leave policies to comply with the HFA requirements. HR professionals, not the Federal government, are best situated to understand the benefit preferences of the employees at their respective organizations.

Third, the HFA specifically states that the Act does not "supersede (including preempting) any provision of any State or local law that provides greater paid sick time or leave rights," thus forcing employers to comply with a patchwork of varying federal, state and local leave laws – as well as their own leave policies. As it stands now, employers consistently report challenges in navigating the various conflicting requirements of overlapping state and federal leave and disability laws. The HFA would only add to the already complex web of inconsistent but overlapping leave obligations.

Finally, the HFA's inflexible approach could cause employers to reduce wages or other benefits to pay for the leave mandate and associated compliance costs, thereby limiting employees' benefit and compensation options. Any employer has a finite pool of resources for total compensation. Thus, if organizations are required to offer paid sick leave, they will likely absorb this added cost by cutting back or eliminating other employee benefits, such as health or retirement benefits, or forgo wage increases. Keep in mind that many employees may prefer higher wages or other benefits over receiving more paid sick leave – yet another way the HFA's one-size-fits-all approach will not meet the needs of all employees.

SHRM believes the federal government should encourage paid leave – without creating new mandates on employers and employees. As has been our experience under the FMLA, proscriptive attempts to micro-manage how, when and under what circumstances leave must be requested, granted, documented and used would be counter-productive to encouraging flexibility and innovation. If an employer paid sick leave mandate were enacted, an employer's focus would have to be on documentation of incremental leave and the reasons for the leave, rather than on seeking innovative ways to help employees to meet the demands of both their work and personal lives.

As mentioned, my company provides 20 days of paid leave, plus ten floatable paid holidays, and other leave including bereavement and VIP leave. It is unclear whether the HFA would require *INTUITIVE* to provide another seven days of leave in addition to our PTO. In this economy, many employers cannot afford that. Even those that can afford it will have to cut employee benefits somewhere else. In our case at *INTUITIVE*, profits are shared with the employees through our profit sharing program. The cost of adding seven additional days of paid leave, on top of our 30-

plus days of leave, would have to come from somewhere and would therefore curtail or remove some other benefit, or lessen our profit sharing.

It's been argued that generous employers like *INTUITIVE* should welcome the HFA because it would level the playing field for small businesses that offer paid leave. But that view misses the point of why *INTUITIVE* or any employer gives paid leave. We provide generous paid leave so that we can continue to be an employer of choice for employees and applicants in our area. What we do not want is a government-imposed paid leave mandate to take away our competitive edge over other employers.

If Congress wants to compel employers to offer paid leave, we do not believe it should punish the employers that already do. Organizations such as ours that are already extremely successful with flexible workplace outcomes should not be brought down to the mediocre level that regulatory approaches would be trying to get *not-so-well-run* companies up to achieving.

SHRM's Principles for a 21st Century Workplace Flexibility Policy

While SHRM has serious concerns about the HFA, both SHRM and its members believe the United States must have a 21st Century workplace flexibility policy that reflects the nature of today's workforce, and that meets the needs of *both* employees and employers. It should enable employees to meet their work and personal needs while providing predictability and stability to employers. Most importantly, such an approach must encourage employers to offer greater flexibility, creativity and innovation to meet the needs of their employees and their families.

In 2009, SHRM developed a set of five principles to help guide the creation of a new workplace flexibility statute.⁵ In essence, SHRM believes that all employers should be encouraged to provide paid leave for illness, vacation and personal days to accommodate the needs of employees and their family members. In return for meeting a minimum eligibility requirement, employers who choose to provide paid leave would be considered to have satisfied federal, state and local requirements and would qualify for a statutorily defined "safe harbor." The principles are as follows:

Shared Needs – SHRM envisions a "safe harbor" standard where employers voluntarily provide a specified number of paid leave days for employees to use for any purpose, consistent with the employer's policies or collective bargaining agreements. A federal policy should:

- Provide certainty, predictability and accountability for employees and employers.

⁵ Society for Human Resource Management (2009). Principles for a 21st Century Workplace Flexibility Policy <http://www.shrm.org/Advocacy/Issues/WorkplaceFlexibility/Documents/051209%20FINAL%20WF%20Principles.pdf>

- Encourage employers to offer paid leave under a uniform and coordinated set of rules that would replace and simplify the confusing – and often conflicting – existing patchwork of regulations.
- Create administrative and compliance incentives for employers who offer paid leave by offering them a safe-harbor standard that would facilitate compliance and save on administrative costs.
- Allow for different work environments, union representation, industries and organizational size.
- Permit employers that voluntarily meet safe harbor leave standards to satisfy federal, state and local leave requirements.

Employee Leave – Employers should be encouraged to voluntarily provide paid leave to help employees meet work and personal life obligations through the safe harbor leave standard. A federal policy should:

- Encourage employers to offer employees with some level of paid leave that meets minimum eligibility requirements as allowed under the employer’s safe harbor plan.
- Allow the employee to use the leave for illness, vacation, personal and family needs.
- Require employers to create a plan document, made available to all eligible employees, that fulfills the requirements of the safe harbor.
- Require the employer to attest to the U.S. Department of Labor that the plan meets the safe harbor requirements.

Flexibility – A federal workplace leave policy should encourage maximum flexibility for both employees and employers. A federal policy should:

- Permit the leave requirement to be satisfied by following the policies and parameters of an employer plan or collective bargaining agreement, where applicable, consistent with the safe harbor provisions.
- Provide employers with predictability and stability in workforce operations.
- Provide employees with the predictability and stability necessary to meet personal needs.

Scalability – A federal workplace leave policy must avoid a mandated one-size-fits-all approach and instead recognize that paid leave offerings should accommodate the increasing diversity in workforce needs and environments. A federal policy should:

- Allow leave benefits to be scaled to the number of employees at an organization; the organization’s type of operations; talent and staffing availability; market and competitive forces; and collective bargaining arrangements.
- Provide pro-rated leave benefits to full- and part-time employees as applicable under the employer plan, which is tailored to the specific workforce needs and consistent with the safe harbor.

Flexible Work Options – Employees and employers can benefit from a public policy that meets the diverse needs of the workplace in supporting and encouraging flexible work options such as telecommuting, flexible work arrangements, job sharing and compressed or reduced schedules. Federal statutes that impede these offerings should be updated to provide employers and employees with maximum flexibility to balance work and personal needs. A federal policy should:

- Amend federal law to allow employees to manage work and family needs through flexible work options such as telecommuting, flextime, part-time, job sharing and compressed or reduced schedules.
- Permit employees to choose either earning compensatory time off for work hours beyond the established work week, or overtime wages.
- Clarify federal law to strengthen existing leave statutes to ensure they work for both employees and employers.

Workplace Flexibility Educational Efforts

As explained earlier in my testimony, in addition to advocating for a new approach to workplace flexibility public policy, in February 2010 SHRM has also formed a multi-year partnership with the Families and Work Institute (FWI).

The primary goal of this partnership is to transform the way employers view and adopt workplace flexibility by combining the research and expertise of a widely respected organization specializing in workplace effectiveness with the influence and reach of the world's largest association devoted to human resource management.

By highlighting strategies that enable people to do their best work, the partnership promotes practical, research-based knowledge that helps employers create effective and flexible workplaces that fit the 21st century workforce and ensures a new competitive advantage for organizations.

Although FWI is an independent non-advocacy organization that does not take positions on these matters, and the position of SHRM should not be considered reflective of any position or opinion of FWI, I'd like to briefly mention one of the key elements of the SHRM/FWI partnership, the *When Work Works* program. It seeks to educate and showcase employers who are meeting the needs of our 21st century workforce.

When Work Works is a nationwide initiative to bring research on workplace effectiveness and flexibility into community and business practice. Since its inception in 2005, *When Work Works* has partnered with an ever-expanding cohort of communities from around the country to:

- Share rigorous research and employer best practices on workplace effectiveness and flexibility.
- Recognize exemplary employers through the Alfred P. Sloan Awards for Business Excellence in Workplace Flexibility.

- Inspire positive change so that increasing numbers of employers understand how flexibility can benefit both business and employees, and use it as a tool to create more effective workplaces.

Conclusion

In the global, 21st century economy, workplace flexibility policies help multinational corporations, non-profit organizations and small businesses meet the needs of their employees. At its core, workplace flexibility is about improving business results by employers giving people more control over their work time and schedules. My company, *INTUITIVE*, in Huntsville, Alabama, and employers across the country, know best how to compete for talent by providing benefits that can help employees succeed in their specific industries and manage their lives away from the workplace.

My company is uncommon in the magnitude of its success. But we are not alone. There are many, many wonderful places to work out there in this country, and we should not let efforts here in Washington take away their ability to continue to create good jobs and great places to work.

SHRM remains committed to working with the Committee and other Members of Congress to ensure employers can continue to provide flexible paid leave to employees in a manner that does not threaten existing benefits or create unnecessary and counterproductive regulations. We believe it's time to pursue a new approach to this issue absent of rigid, unworkable mandates that result in unfavorable and unintended consequences. It's time to give employees greater flexibility and to give employers more predictability. It's time to *encourage* paid leave – *without* stifling existing innovative benefits or hindering job creation.

Thank you. I am happy to answer any questions you may have.

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