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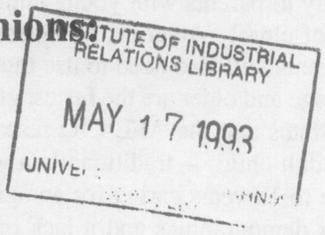
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The Labor Project for Working Families Assists Local Unions

BRINGING THE FAMILY TO THE BARGAINING TABLE



by Netsy Firestein and Alice Burton

In the last several years, an array of state and federal policies to benefit working families have been enacted: the recently-passed Family Leave Law, child care tax credits and block grants. Unions have played an important role in pressuring legislators to pass these progressive measures. But having laws on the books to benefit working families is not enough. Unions have also begun to educate members about their rights to meet the needs of their families, while maintaining their jobs, incomes and benefits. Increasingly, unions have innovated and expanded family-friendly programs.

In a proactive spirit, Bay Area Labor Councils and the Coalition of Labor Union Women, together with the United Way, have launched a new program called **The Labor Project for Working Families**. Project founders believe that just as unions have traditionally secured health insurance and other benefits for workers, so must they be in the forefront to negotiate family benefits and programs.

Bay Area unions can draw on the Project for technical assistance on contract language as well as information on programs and legislation related to:

- child care
- elder care
- flextime
- family leave
- domestic partner benefits

The Project also coordinates with child care employee organizations to support the rights and benefits of child care

workers, a neglected portion of the work force.

Why are family-friendly reforms to the work place important now? The demographic trends that have changed the family in the last twenty years are here to stay and, by conservative estimates, likely to intensify. The traditional family with a male-wage earner and housewife-mother is the exception rather than the rule today. In two-thirds of all married couples with children, both parents work. Moreover, the number of children living with only one parent has *doubled* in the last two decades, from 12% in 1970 to 25% in 1992. By 1995, two-thirds of all pre-school children will have mothers in the work force.

Despite the increase in the number of single parents and the fact that women are the fastest growing portion of the labor force, many work places remain structured as if employees—men and women—continue to have a “wife” at home to take care of children and other family members. Lesbhia Morones, Department of Motor Vehicles employee and mother of five, is a case in point. The Women’s Action Coalition reports that the DMV charged her with 99 late arrivals in a 13-month period. In most of the instances she was recorded five minutes late or less. Ms. Morones must leave her children at school no earlier than 8:00 A.M. and then arrive across town by 8:30 A.M. Ms. Morones has been closely supervised at work under “attendance probation” and her pay has been docked.

When Ms. Morones’ problem came to the attention of her

union, the California State Employees Association, CSEA representatives and DMV administrators worked out a flex-time agreement. After hearing of Ms. Morones' difficulties and others' like her, State Assemblywoman Jackie Speier authored a bill, sponsored by the Women's Action Coalition, to mandate "reasonable accommodation" for state employees with family responsibilities. Employers' resistance to family policies — even cost-efficient ones like flex-time — signals the need for labor policy and action on behalf of working families.

Work place policies such as flex-time or family leave do not only apply to parents with young children. The growing percentage of elderly Americans suggests that adult children of older parents will also need to use family benefits. People 65 years of age and older are the fastest growing population in the United States and the AFL-CIO research department reports that an adult child — traditionally a woman — can expect to spend up to 18 years caring for an aging parent. Given these changing demographics and a lack of affordable and quality senior nursing homes, working men and women with dependent children and elderly parents will rely heavily on the Family Leave Law.

Look to the Labor Project for Working Families for information on the following work place reforms:

Family Leave

Unions were in the forefront of the struggle for family leave which resulted in the new Federal Family and Medical Leave Act. While maternity leave has been more standard but by no means universal, the concept of family leave is in increasing numbers of contracts. Some unions have been successful in negotiating for paid leave. Contract language has been negotiated to use sick time for children, other family members and, in some cases, domestic partners.

Californians have had a family leave law for almost a year. However the federal law alters the conditions of leave (see box for more information).

Alternative Work Schedules

The rigid 9 to 5 full-time schedule does not work all the time for many workers. Unions have negotiated for "alternative work schedules" including:

- flextime, a schedule which varies the particular hours worked.
- job sharing, two part-time employees who share a full-time position with full benefits for both employees.
- compressed work week, a schedule of full-time work of 4 days a week or 9 days over two weeks.
- part-time work with benefits.

Flexible and part-time work, typically assumed to be an advantage to employers interested in cutting costs, may be a viable choice for employees if their unions are able to secure benefits and fair wages.

THE NEW FEDERAL FAMILY LEAVE LAW: HOW WILL IT AFFECT CALIFORNIA?

The Family and Medical Leave Act which has now been signed into law by President Clinton and will be in effect August 5, 1993 allows for the following:

- Workers can take up to 12 weeks of unpaid leave during any 12 month period for the birth or adoption of a child, to care for a child, spouse, or parent with a serious health condition, and for their own serious health condition or pregnancy.
- Employers must continue to pay health benefits and offer the same or an equivalent position when the worker returns.
- Companies with fewer than 50 workers are exempt.

The major differences with the California Family Leave Law are as follows:

- The California Law allows for up to four months of unpaid leave in a 24-month period for the birth or adoption of a child, to care for a child, spouse or a parent with a serious health condition but does not cover an employee's own serious health condition, except for pregnancy.
- The employer is *not* required to pay for health benefits during the leave.

WHAT WILL CALIFORNIANS BE ENTITLED TO NOW?

In companies covered by both laws (those which employ at least 50 workers), a worker can take family leave for up to 12 weeks during a 12-month period with health benefits, or up to four months during a 24-month period with 12 weeks of health insurance assuming they had a qualifying event. The leaves can be combined: four months the first year with 12 weeks of paid benefits and 12 weeks the second year; or 12 weeks the first year and 12 weeks the second year; both with paid benefits.

COLLECTIVE BARGAINING AGREEMENTS

The state law now applies to all collective bargaining agreements. That is, contracts must include the minimum leave that the law allows. However, collective bargaining agreements supersede the new Federal law until February 5, 1994, unless the contract expires before then. In other words, what you have in your contract now, better or worse, is what you get until February 1994.

— Netsy Firestein

Child and Elder Care

Gaining access to quality child care is a challenge for most working parents, especially for those working night shifts or weekends. Unions and child care advocates have begun to address this issue. For example, to deal with the unusual hours of their members, the San Francisco Airport unions, the San Mateo Labor Council, management representatives, and child care advocates are developing a seven day a week extended hour child care center for airport employees.

However, child care centers, typically a costly endeavor, are only one option. Many unions have negotiated for child care and elder care resource and referral services. Union members have secured direct financial assistance, help with sick child care, and permission to use sick time for family members. Another important benefit for families is the use of pre-tax dollars for dependent care, sometimes called a Dependent Care Assistance Program.

These are only some of the examples of what unions have done on work and family issues. There are many other examples. If you would like more information or if you have examples of what unions are doing to support working families, please contact Netsy Firestein, Director, Labor Project for Working Families, Institute of Industrial Relations, 2521 Channing Way, Berkeley, CA. 94720, (510) 643-6814, fax (510) 642-6432.

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