



## Statutes Related to Flexible Work Schedules to date (August, 2009)

This legislative summary sheet was developed to give an overview of the policy and legislation related to flexible work schedules. Statutes and bills can be reviewed individually, but often it is useful to view them in “themes” or “clusters” to:

- Highlight legislative activity in one particular state
- Make it easier to compare legislation between states
- Illustrate varying legislation language and content

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### Flexible work schedules to accommodate changing workforce / family responsibilities

#### Delaware

▪ 29 Del. C. § 5039

The General Assembly recognizes that the majority of the economic development benefits and increases in jobs will come from the businesses that are currently in the State. It is therefore crucial that the State, through its economic development program, meets the needs of those businesses in an ever changing work place. One of the critical needs for business is a well-trained and well-educated work force. As the pool of younger workers shrinks, business must turn more to women, minorities and senior citizens to fill those jobs. This labor group brings great potential for productivity, but also special needs (such as child care, elder care, flexible work times and re-training). The General Assembly, therefore, intends through this subchapter to address this situation by establishing, in the Delaware Economic Development Office, a Human Investment and Partnership Program, whose responsibility will be to assist Delaware businesses to better utilize that work force talent.

▪ 29 Del. C. § 5041

The Human Investment and Partnership Program shall have the following responsibilities and functions: (1) assist Delaware businesses in tapping the work force of women, minorities and senior citizens; (2) work with Delaware businesses and others in the community who have been successful in addressing the issues so crucial to that work force: child care, elder care, flexible work-time, re-training, etc.

#### Florida

▪ Fla. Stat. § 110.1522

The Department of Management Services shall develop a model rule establishing family support personnel policies for all executive branch agencies. “Family support personnel policies” means personnel policies affecting employees’ ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity and



paternity leave for employees with a newborn, and paid and unpaid family or administrative leave for family responsibilities.

■ Fla. Stat. § 409.179

The Executive Office of the Governor, in consultation with members of the business community, may establish a family-friendly workplace initiative. The criteria for determination of the eligible employers may include, but not be limited to: (1) consideration of the dependent care scholarship or discounts given by the employer; (2) flexible work hours and schedules; (3) time off for caring for sick or injured dependents; (4) the provision of onsite or nearby dependent care; (5) dependent care referral services; (6) in-kind contributions to community dependent care programs.

### Illinois

■ 20 ILCS 415/9

The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this law, it shall be his duty to authorize in every department or agency subject to Jurisdiction C the use of flexible hours positions. Each department shall develop a plan for implementation of flexible work requirements designed to reduce the need for day care of employees' children outside the home.

■ 20 ILCS 605/605-865

The Department of Commerce and Economic Opportunity, with the advice of members of the business community, may establish a family-friendly workplace initiative. The criteria for determining eligible employers includes, but is not limited to, the following: (1) consideration of the dependent care scholarship or discounts given by the employer; (2) flexible work hours and schedules; (3) time off for caring for sick or injured dependents; (4) the provision of onsite or nearby dependent care; (5) dependent care referral services; and (6) in-kind contributions to community dependent care programs.

### Maine

■ 5 M.R.S. § 901

The Legislature finds that alternative working hours, including part-time work, job sharing and more flexible work schedules will lead to greater efficiency by state employees. There are many qualified and talented Maine citizens of all ages whose personal responsibilities make it difficult to work full time or during the traditional hours of employment.

### North Dakota

■ N.D. Cent. Code, § 23-12-17

An employer may use the designation "infant friendly" on its promotional materials if the employer adopts a workplace breastfeeding policy that includes flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk, as well as several other policies.

### Washington

■ Rev. Code Wash. (ARCW) § 43.70.640

An employer may use the designation "infant-friendly" on its promotional materials if the employer has an approved workplace breastfeeding policy addressing flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for expression of breast milk, as well as other policies.



## Wisconsin

### Wis. Stat. § 230.215

The legislature finds and declares:

- (a) That employment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, improved employee morale and a more economical and efficient use of energy, highways and other transit systems.
- (b) That traditional full-time work patterns fail to meet the needs of many potentially productive citizens who, due to age, health or family circumstances, are effectively prevented from engaging in full-time employment.
- (c) That a greater number of permanent part-time employment opportunities are necessary to allow citizens a higher level of participation in the work force and to permit a greater utilization of the skills, talents and abilities of all citizens who want to work.
- (d) That it is the intent of the legislature that all agencies of state government participate in developing and creating flexible-time work schedules, additional permanent part-time positions and other alternative work patterns in order to maximize, in a manner consistent with the needs of state service, the employment options available to existing and potential state employees.
- (e) That it is the intent of the legislature that all agencies of state government make available permanent part-time employment opportunities in classified positions.



## Flexible work schedules for environmental reasons

## Arizona

### A.R.S. § 49-588

In each year of the regional program each major employer shall prepare and submit a travel reduction plan. This plan may include establishment of a program of adjusted work hours, which may include telecommuting, compressed workweeks or staggered work hours.

## California

### Cal Pub Resources Code § 25484

The ridesharing programs established by the department may include, but are not limited to, computer or manual matching systems, promotional efforts to encourage carpooling, vanpooling, bus pooling, and flexible work hours.

### Cal Health & Saf Code § 41012

In consultation with the Department of Transportation and other appropriate state and local public agencies, after a public hearing, the Sacramento district may adopt regulations to encourage ridesharing, van pooling, peak shifting, or flexible work hours, in order to improve air quality within the Sacramento district.

### Cal Gov Code § 65089

A congestion management program shall be developed and shall contain a travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, transit, bicycles, and park and ride lots; improvements in the balance between jobs and housing, and other strategies, including flexible work hours, telecommuting, and parking management programs.



#### Connecticut

■ Conn. Gen. Stat. § 13b-38a

Any traffic management plan shall be designed to encourage implementation of flexible work hours for employees, allowing employees to work flexible hours to alleviate rush hour traffic congestion.

#### Illinois

■ 625 ILCS 33/15

Owners may implement voluntary programs to encourage the use of carpooling, mass transit, vanpooling, telecommuting, compressed work weeks, clean fuel vehicles, and other measures that either reduce the number of commuting trips by their employees or reduce the emissions associated with those commuting trips for the purpose of creating emission reduction credits that may be used by the owners of stationary sources to satisfy the post-1996 emission reduction requirements under the Clean Air Act Amendments of 1990 [42 U.S.C. § 7401 et seq.].

#### Oregon

■ ORS § 184.730

The Department of Transportation may develop transportation demand management projects. Transportation demand management projects are measures to reduce traffic congestion and travel by single occupant automobiles including but not limited to carpool, flexible hours or employment, work trip reduction programs and incentives to use public transportation.

#### Pennsylvania

■ 35 P.S. § 4007.10

The department, in consultation with the Department of Transportation, may, after public notice and comment, designate one or more transportation management associations to serve specific regions of this Commonwealth to provide services to employers required by the Clean Air Act to reduce employee vehicle trips and encourage the use of carpooling, vanpooling and public transportation to reduce air pollution. For purposes of this section, transportation management associations shall consist of nonprofit corporations designated by the department to broker transportation services, including, but not limited to, public transportation, vanpools, carpools, bicycling and pedestrian modes, as well as strategies such as flextime, staggered work hours and compressed work weeks for corporations, employees, developers, individuals and other groups.

#### Rhode Island

■ R.I. Gen. Laws § 36-3.1-4

It is the policy of the state to offer alternative working schedules to state employees, thereby enabling the appointing authority to allow for flextime, compressed workweeks, job sharing, permanent part-time, and other alternative work plans, provided work schedule changes allow the maintaining of adequate work coverage and service to the public, in an effort to reduce commuter congestion, conserve energy, increase employee morale, increase productivity, and reduce tardiness and absenteeism. Any alternative work plans to insure compliance shall be jointly agreed to by the appointing authority and the certified bargaining representative.



## Washington

- Rev. Code Wash. (ARCW) § 70.94.531  
A commute trip reduction program of a major employer shall consist of implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools and Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting.
- 2009 Wa. Ch. 427; 2009 Wa. SB 6088  
An act relating to commute trip reduction for state agencies; amending RCW 70.94.541, 70.94.547, and 70.94.551 to include, "The Joint Comprehensive Commute Trip Reduction Plan must build on existing commute trip reduction programs and policies. At a minimum, the joint comprehensive commute trip reduction plan must include strategies for telework and flexible work schedules, parking management and consideration of the impacts of worksite location and design on multimodal transportation options."
- Rev. Code Wash. (ARCW) § 70.94.551  
The director of the department of general administration may coordinate an interagency board for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs. Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs.

## Wisconsin

- Wis. Stat. § 230.215  
The legislature finds and declares:
  - (a) That employment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, improved employee morale and a more economical and efficient use of energy, highways and other transit systems.
  - (b) That traditional full-time work patterns fail to meet the needs of many potentially productive citizens who, due to age, health or family circumstances, are effectively prevented from engaging in full-time employment.
  - (c) That a greater number of permanent part-time employment opportunities are necessary to allow citizens a higher level of participation in the work force and to permit a greater utilization of the skills, talents and abilities of all citizens who want to work.
  - (d) That it is the intent of the legislature that all agencies of state government participate in developing and creating flexible-time work schedules, additional permanent part-time positions and other alternative work patterns in order to maximize, in a manner consistent with the needs of state service, the employment options available to existing and potential state employees.
  - (e) That it is the intent of the legislature that all agencies of state government make available permanent part-time employment opportunities in classified positions.



## Flexible work schedules for state employees

### Arizona

▪ A.R.S. § 41-783

Rules on hours of employment shall provide for the implementation of flexible hours of employment as an option for employees if the director of an agency decides that existing services can be maintained.

### California

▪ Cal Gov Code § 11016.9

Each agency shall establish clear flextime policies and shall direct its managers to encourage the use of flextime.

▪ Cal Rules of Court, Rule 10.670

This rule establishes the authority of the superior courts to implement a system of personnel management. The superior court must establish personnel plan. This personnel plan may contain an employee benefit plan that may include flex-time, part-time, job sharing and other alternative work schedules.

▪ Cal Rules of Court, Rule 6.650

The purpose of this rule is to establish the authority and responsibility of the trial courts to create and implement a system of personnel management designed to achieve lawful, uniform and fair employment practices. The trial courts may establish a personnel plan that contains provisions, including, but not limited to flex-time, part-time, job-sharing, and other alternative work schedules.

### Maine

▪ 5 M.R.S. § 901

The Legislature finds that alternative working hours, including part-time work, job sharing and more flexible work schedules will lead to greater efficiency by state employees. There are many qualified and talented Maine citizens of all ages whose personal responsibilities make it difficult to work full time or during the traditional hours of employment.

### North Carolina

▪ N.C. Gen. Stat. § 126-75

The following work options allowed State employees are to be included in the program administered under this Article: (1) flexible work hours as established by the State Personnel Commission; (2) job sharing as permitted by the State Personnel Commission; (3) permanent part-time positions as established under the State Personnel Act.

### Oklahoma

▪ 74 Okl. St. § 840-2.26

In order to provide increased services to the public, to assist state employees in meeting the needs of their families, improve employee morale and productivity, appointing authorities are encouraged to consider the adoption of flextime attendance policies and alternative work schedules.



## Rhode Island

### ■ R.I. Gen. Laws § 36-3.1-2

The general assembly finds: that new trends in the use of alternative work schedules in the private sector have proven beneficial to employee and employer alike; that the congress of the United States has recently enacted and the president has signed legislation lending permanence to what had been heretofore an experimental program of alternative work schedules for federal employees; that it has been determined that alternative work schedules provide greater employment opportunities for women with young children; that the fastest growing segment of the work force is the "permanent part-time" work force; that alternative work schedules present greater job opportunity for the unemployed; that many of the fifty (50) states now offer alternative work schedules to their state employees and that the use of alternative work schedules result in improvement in service to the public, employee morale, and efficiency of agency operations. The general assembly therefore finds that there should be optional alternate working schedules available to state employees.

### ■ R.I. Gen. Laws § 36-3.1-4

It is the policy of the state to offer alternative working schedules to state employees, thereby enabling the appointing authority to allow for flextime, compressed workweeks, job sharing, permanent part-time, and other alternative work plans, provided work schedule changes allow the maintaining of adequate work coverage and service to the public, in an effort to reduce commuter congestion, conserve energy, increase employee morale, increase productivity, and reduce tardiness and absenteeism. Any alternative work plans to insure compliance shall be jointly agreed to by the appointing authority and the certified bargaining representative.

### ■ R.I. Gen. Laws § 36-3.1-5

Not later than January 1, 1988, each state department, board, or commission shall develop and transmit to the division of human resources of the department of administration for review of its plans for the implementation of alternative work schedules following guidelines published by the director of the department of administration. The associate director of the division of human resources shall review all alternative work schedule plans, and may make revisions as necessary for effective implementation.

### ■ R.I. Gen. Laws § 36-3.1-6

Not later than January 1, 1989, all units of state agencies, other than those specifically exempted in the plans approved by the associate director of the division of human resources, shall offer alternative work schedules to their employees.

## South Carolina

### ■ S.C. Code Ann. § 8-11-15

The state agency or institution may vary an employee's work schedule through the use of alternative scheduling strategies to meet the needs and service delivery requirements of the agency or institution. State agencies may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.

### ■ S.C. Code Ann. § 8-11-17

In conformance with the authorization for use of alternative scheduling strategies for employees of state agencies and institutions pursuant to Section 8-11-15, a state agency or institution specifically may use flexible scheduling of the minimum full-time workweek hours for an employee, including hours before eight-thirty a.m. and after five p.m., so long as the implementation of flex-time does not impair the ability of the agency or institution to meet its needs and service delivery requirements.



## Texas

■ Tex. Hum. Res. Code § 40.0528

The Department of Family and Protective Services shall develop and implement a staffing and workload distribution plan for the child protective services program. Part of this plan will, when appropriate, identify and use alternative work schedules.

## Virginia

■ Va. Code Ann. § 2.2-203.1

The Secretary, in cooperation with the Secretary of Technology, shall establish a comprehensive statewide telecommuting and alternative work schedule policy under which eligible employees of state agencies may telecommute or participate in alternative work schedules. The telecommuting and alternative work schedule policy shall include, but not be limited to, model guidelines, rules and procedures for telecommuting and participation in alternative work schedules, and identification of the broad categories of positions determined to be ineligible to participate in telecommuting and the justification for such a determination. Such policy may also include an incentive program, to be established and administered by the Department of Human Resources Management, that may encourage state employees to telecommute or participate in alternative work schedules and that may encourage the state agencies' management personnel to promote telecommuting and alternative work schedules for eligible employees.

■ Va. Code Ann. § 2.2-2817.1

In accordance with the statewide telecommuting and alternative work schedule policy, to be developed by the Secretary of Administration pursuant to § 2.2-203.1, the head of each state agency shall establish a telecommuting and alternative work policy under which eligible employees of such agency may telecommute, participate in alternative work schedules, or both, to the maximum extent possible without diminished employee performance or service delivery.

## Wisconsin

■ Wis. Stat. § 230.215

The legislature finds and declares:

(a) That employment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, improved employee morale and a more economical and efficient use of energy, highways and other transit systems.

(b) That traditional full-time work patterns fail to meet the needs of many potentially productive citizens who, due to age, health or family circumstances, are effectively prevented from engaging in full-time employment.

(c) That a greater number of permanent part-time employment opportunities are necessary to allow citizens a higher level of participation in the work force and to permit a greater utilization of the skills, talents and abilities of all citizens who want to work.

(d) That it is the intent of the legislature that all agencies of state government participate in developing and creating flexible-time work schedules, additional permanent part-time positions and other alternative work patterns in order to maximize, in a manner consistent with the needs of state service, the employment options available to existing and potential state employees.

(e) That it is the intent of the legislature that all agencies of state government make available permanent part-time employment opportunities in classified positions.





### Establishes groups to encourage or study flexible work options

#### Massachusetts

▪ ALM GL ch. 7, § 6F

There shall be a coordinator of flexible hours employment within the human resources division who shall work on the development, implementation and oversight of plans for the utilization, within all executive agencies, of persons who choose to be employed for a reduced number of hours per week and for the recruitment of such persons for civil service and non-civil service employment. All state agencies shall report to the coordinator the progress of implementation of any flexible hours plan in such agency. Such reports shall be filed on a semi-annual basis, beginning six months from the effective date of such program.

#### New York

▪ NY CLS Econ Dev § 100

The commissioner acting by and through the department of economic development shall have power and it shall be his duty to investigate innovative approaches to private sector work and employee compensation arrangements, such as flexible hours and job sharing, flexible compensation and benefit plans including employee assistance programs, employer-supported dependent care and family leave, which will benefit both employers and employees by improving productivity and morale, lowering rates of absenteeism, tardiness and turnover, and enhancing a company's image. The commissioner shall promote the advantages of such flexible work arrangements and benefit plans to business organizations and associations and to individual firms and to assist such groups or firms with instituting such arrangements and benefit plans.

#### North Carolina

▪ N.C. Gen. Stat. § 126-79

The State Personnel Commission shall in turn make a biennial report to the General Assembly on the status of the Work Options Program, including any increase in the use of job sharing, flexible work hours and any other approved work option for State employees.

#### Oregon

▪ ORS § 185.540

The Commission for Women shall evaluate the development of methods to assure fuller employment options for women including nontraditional job opportunities, child care, job sharing and flextime and part-time employment.



### Makes exception in mandatory overtime for flextime employees

#### Alaska

▪ Alaska Stat. § 23.10.060

Payment for overtime does not apply to 1) an employee under a flexible work hour plan if the plan is included as part of a collective bargaining agreement 2) an employee under a voluntary flexible work hour plan



if (A) the employee and the employer have signed a written agreement and the written agreement has been filed with the department; and (B) the department has issued a certificate approving the plan that states the work is for 40 hours a week and not more than 10 hours a day; for work over 40 hours a week or 10 hours a day compensation at the rate of one and one-half times the regular rate of pay shall be paid for the overtime.

#### California

- Statute has yet to be catalogued, formerly AB 5B

Upon the proposal of an employer, the employees of an employer may adopt a regularly scheduled alternative workweek that authorizes work by the affected employees for no longer than 10 hours per day within a 40-hour workweek without the payment to the affected employees of an overtime rate of compensation pursuant to this section.

#### Missouri

- Statute has yet to be catalogued, formerly HB 1883

Re-enacts the federal overtime standards in effect prior to the passage of Proposition B in 2006 regarding the minimum wage increase including, but not limited to, the exemptions for firefighters, commissioned employees, and flex-time pay rate employees.

#### Ohio

- ORC Ann. 124.18

Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state supported college or university. A flexible-hours employee is not entitled to compensation for overtime work unless the employee's authorized administrative authority requires the employee to be in active pay status for more than forty hours in a calendar week.

#### Oklahoma

- 61 Okl. St. § 3

Public employees may be allowed to work in excess of eight (8) hours per day when such hours are assigned as part of an alternative work schedule. In any case where such work schedule results in an employee working in excess of forty (40) hours per workweek who is not exempt from or covered by special provisions under the overtime provisions of the Fair Labor Standards Act, the employee shall be compensated in accordance with the Fair Labor Standards Act and regulations related thereto.

The Network has compiled a Work-Family Bills and Statutes Database to help provide an overview of the bills that have been proposed and the laws that have been passed in various states that are relevant to work-family issues. This Database includes bills and statutes related to **flexible work schedules** that have been proposed in previous and current legislative sessions. You can connect to this database at:

<http://wfnetwork.bc.edu/bills.php?area=policy>