

Flextime Consideration Is Now Law In Some Places

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The pros and cons of implementing “flextime” policies have long been debated. Two laws – one state and one municipal – went into effect at the beginning of this year, however, that made it mandatory for some employers in those jurisdictions to consider flexible working arrangements for their eligible employees. Vermont passed a “flexible working arrangements” law, which grants employees the right to request a flexible working arrangement for any reason and requires employers to discuss and consider such requests at least twice per calendar year. “Flexible working arrangement” is defined to including changes in the number of days or hours worked, changes in the employee’s start or stop time, work from home, or job-sharing. The law identifies several factors the employer may consider in choosing to grant or deny the request, including costs, effect on employee morale, ability to meet demand, and effect on schedules and staff. San Francisco passed the “Family Friendly Workplace Ordinance,” which applies to employers with 20 or more employees. It grants certain employees with caregiving responsibilities the right to request a schedule, location, or assignment change in order to care for children, persons with a serious health condition with whom the employee is in a family relationship, or parents who are 65 or older. Employers must meet with the employee within 21 days of the request and provide a written response. In the case of a denial, the employer must set out a bona fide business reason for the denial. These laws require conversations that many companies have already been having with their employees. If flextime arrangements are something your company is considering, it is important to remember that such policies require very careful drafting and execution. For example, policies should explain the jobs for which flextime arrangements are and are not possible to avoid potential discrimination claims. Further, FLSA considerations such as overtime and exempt/non-exempt distinctions must be kept in mind when rearranging schedules and tracking hours. Workers’ compensation claims from telecommuting employees injured at home will also require special attention. Vermont’s law can be found [here](#). More information and a link to the San Francisco ordinance is [here](#).

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