

Alternative Work Arrangements¹

A. Simple Policy

Policy on Alternative Work Arrangements

(Firm/employer) recognizes that, in today's working and living environment, lawyers may have need to seek more flexible working arrangements for some period of time during their professional lives.

(Firm/employer) is committed to making reasonable efforts to accommodate a lawyer's request for an alternative work arrangement, assuming the arrangement (1) meets the legitimate needs and interests of the individual lawyer; (2) does not diminish or interfere with (firm/employer's) primary obligation to provide client service; (3) does not unfairly burden other lawyers in the (firm/employer); (4) permits the continued professional growth and development of the lawyer; and (5) is economically feasible.

Any lawyer who feels the need to explore the possibility of an alternative work schedule is encouraged to contact (designated individual) directly, or any other member of management. They will facilitate the process of discussing alternative work schedules with the lawyer, examining the feasibility and circumstances of such an alternative schedule, and working with the lawyer to reach conclusions concerning any arrangement determined by both the lawyer and (firm/employer) to be acceptable.

B. Sample Generic Policy: Child-Rearing

Policy on Alternative Work Arrangements for Child-Rearing Purposes

(Firm/employer) recognizes that an attorney should be permitted to work a flexible or reduced work schedule for reasons related to child-rearing. Alternative scheduling opportunities for child-rearing purposes promote the continued participation in the working life of (firm/employer) of attorney with significant responsibility for the care of natural, adopted or foster children. Additionally, alternative scheduling opportunities benefit both (firm/employer) and its clients by facilitating the recruitment of qualified and representative new attorneys and the retention of experienced attorneys.

(Firm/employer) expects that an attorney working an alternative work schedule will be flexible in his or her hours so as to provide quality and timely services to clients consistent with the area of practice and level of responsibility of the attorney involved. The attorney working an alternative work schedule recognizes that (firm/employer's) standard of professionalism and client loyalty must be maintained.

Various flexible work schedules can be developed to meet the varied requirements of different practice settings and different situations. The attorney and his or her supervisor should feel free

¹ This sample policy was copied from the Task Force on Women in the Law of the Indiana State Bar Association and was adopted by the ISBA House of Delegates on Oct. 20, 1994. See <http://womenlaw.stanford.edu/indiana.model.html> (accessed July 11, 2005).

to create the most mutually advantageous arrangement possible. The attorney should continue to perform work commensurate with her or his experience and skills. Competent and efficient performance of the appropriate level of work are to be maintained.

The following are examples of alternative work schedules:

Flextime - *The attorney continues to work a full-time schedule, but has some flexibility to choose when to fulfill work obligations.*

Part Time - *The attorney works a reduced schedule.*

Job Sharing - *Two part-time attorneys share one full-time position.*

Remote Work - *The attorney has the option to work at home or in another off-site work setting. The attorney will be linked to the office by telephone and/or by computers, facsimile machines and voice mail.*

Where it is feasible, (firm/employer) welcomes proposals for sharing of offices, secretaries, workload, and any other ideas for making the alternative work arrangement mutually effective.

An attorney may apply for an alternative work schedule for child-rearing purposes. Requests for alternative work schedules for reasons other than child-rearing will be considered on a case-by-case basis.

An attorney requesting an alternative work schedule should submit a proposal to (designated individual) as much in advance as possible. Requests for alternative scheduling arrangements related to child-rearing generally will be granted if the attorney is in good standing, if the request reasonably can be accommodated by the work area which directly is affected, and if the attorney and (firm/employer) mutually agree on the terms of employment applicable during the alternative work arrangement.

Compensation of an attorney on a reduced schedule for child-rearing generally will be paid on a mutually agreed basis, with reference to the number of hours expected to be worked by the attorney during the alternative work schedule as compared to the number of hours that the lawyer would be expected to work if working full-time.

The attorney will receive health insurance coverage while on an alternative work schedule. The attorney may be required to contribute to the cost of coverage. All other benefits (including vacation and sick leave) will be provided on a mutually agreed basis.

Working an alternative work schedule generally will not affect the basic eligibility of the attorney to be considered for promotion, although the attorney must recognize that the alternative arrangement may increase the amount of time necessary to acquire the amount, duration and quality of experience needed for progression, due to the reduced level of time committed to the practice during the arrangement.

Each alternative work schedule arrangement will be reviewed and evaluated periodically (initially, semi-annually) and may be evaluated more frequently as needed. At this time consideration may be given, if necessary, to appropriate adjustments to continue the arrangement on a mutually satisfactory basis.

C. Sample Detailed Policy: Multi-Purpose

Policy on Alternative Work Arrangements

Preface

The kind of alternative work arrangement described in this policy is intended as an accommodation to a lawyer who needs to work for a time at a lightly slower pace. Any lawyer who has a different need or goal than described in this policy and wishes to discuss other kinds of alternative work arrangements should contact the appropriate liaison.

Introduction

(Firm/employer) recognizes that some lawyers may request to reduce the amount of time devoted to the practice for a period in their professional lives. (Firm/employer) is committed to making reasonable efforts to accommodate a lawyer's request for an alternative work arrangement so long as such an arrangement (1) meets the legitimate needs and interests of the individual lawyers; (2) is consistent with (firm/employer's) primary obligation to client service; (3) does not unfairly burden other lawyers; (4) permits the continued professional growth and development of the lawyer; and (5) is economically feasible.

The kind of alternative work arrangement described in this policy is designed for a lawyer who wishes to experience the full range of opportunities and to develop professionally, albeit over a longer period of time than his or her contemporaries.

Various flexible work schedules can be developed to meet the varied requirements of different practice settings and different situations. The attorney and his or her supervisor should feel free to create the most mutually advantageous arrangement possible. The attorney should continue to perform work commensurate with her or his experience and skills. Competent and efficient performance of the appropriate level of work are to be maintained.

The following are examples of alternative work schedules:

Flextime - *The attorney continues to work a full-time schedule, but has some flexibility to choose when to fulfill work obligations.*

Part Time - *The attorney works a reduced schedule.*

Job Sharing - *Two part-time attorneys share one full-time position.*

Remote Work - *The attorney has the option to work at home or in another off-site work setting. The attorney will be linked to the office by telephone and/or computers, facsimile machines and voice mail.*

Where it is feasible, (firm/employer) welcomes proposals for sharing of offices, secretaries, workload and any other ideas for making the alternative work arrangement mutually effective.

Commitments Made By the Lawyer Who Has an Alternative Work Arrangement

The lawyer who has such an alternative work arrangement makes the same commitments as do other lawyers but at a reduced level with respect to time. Specifically:

- . The lawyer commits to a time spent on task goal that is a percentage of the goal expected of all lawyers. This goal needs to be set at a level that allows the lawyer to continue to grow professionally and to be a significant contributor.
- . The lawyer commits to be sufficiently flexible in his or her schedule to accommodate client and colleague emergencies, concentrated periods of work, travel, externally scheduled commitments, and other inflexible practice demands. Availability on a flexible basis is crucial to a lawyer's ability to take on work that will result in professional growth and lead to increasing responsibility.
- . The lawyer commits to maintain regular and predictable core working hours when others can count on finding him or her in the office.
- . The lawyer commits to remain in close contact with the office and to be available on a reasonable basis during time not at work.

Commitments Made By (Firm/Employer)

- . (Firm/employer) commits to make good faith efforts to regulate overall workload so that the lawyer can maintain his or her annual time commitment at the desired level.
- . (Firm/employer) commits that other lawyers will make good faith efforts to schedule planned work and planned meetings for the lawyer's core working hours and will not consistently expect or require the lawyer to perform non- emergency work during off hours.
- . To the extent permitted by the flexibility of the alternative arrangement, (firm/employer) commits to offer a lawyer with an alternative work arrangement an opportunity to handle the same sort of challenging work and opportunities to grow professionally as are offered to other lawyers of commensurate experience.
- . (Firm/employer) commits to evaluate the performance and progress of the lawyer with an alternative work arrangement based on the same criteria as are applied to all other lawyers but with quantitative expectations conducted in accordance with the lawyer's reduced time commitment, if any.

Procedure

A lawyer with a request for this kind of alternative work arrangement should go to (designated individual), who will serve as a liaison to help the requesting lawyer and those with whom he or she works attempt to formulate an arrangement that works for everyone involved.

The liaison will first help the lawyer articulate a specific description of the arrangement requested, including time management and goal, core working hours, term of the arrangement, and any other details concerning what the lawyer plans to do to assure that his or her responsibilities to clients and to (firm/employer) will be met.

The liaison will work with the lawyer and other lawyers who would be affected by the arrangement with the goal of formulating an arrangement that (a) accommodates the lawyer's requirements; (b) is consistent with client service obligations; (c) does not unfairly burden other lawyers; and (d) permits the lawyer's continued professional growth and development. Where the parties can work out an arrangement that satisfies those criteria, and the particulars of any such arrangement, will spend on a variety of circumstances, including the lawyer's area of responsibility and experience level, staffing levels and workloads, and the lawyer's specific requirements for the arrangement.

If the lawyer and other lawyers affected are able to formulate an arrangement that they believe satisfies the four criteria above, the liaison will present the proposal to management, which will (a) determine the compensation level at which the lawyer should be paid during the alternative work arrangement to assure that the arrangement is economically feasible and (b) satisfy itself that the proposed arrangement satisfies the other criteria. All alternative work arrangements must be approved by management.

Guidelines

Eligibility: Any lawyer who has been employed at (firm/employer) for (period of years) is eligible to request an alternative work arrangement. (Firm/employer) believes that the success of an alternative work arrangement depends on the lawyer's bringing to it a solid foundation of professional training and successful practice experience.

Term: There is no maximum or minimum period during which a lawyer may work under an alternative work arrangement; however, such arrangement is not intended to be permanent.

Benefits: (Firm/employer) will continue to provide a benefits package while the alternative work arrangement is in effect. The benefits package shall be agreed upon by (firm/employer) and employee.

Salary: A lawyer's salary while he or she is working pursuant to an alternative work arrangement will be determined on an annual basis by management, which will consider such factors as the amount of time committed to the practice, the lawyer's length of service, and the demands of the practice. A lawyer's compensation may not be as great a percentage of a standard salary as the percentage his or her time goal bears to the standard time commitment. An alternative work

arrangement may require allowance for such costs as full fringe benefits, fixed overhead costs and full-time secretarial services in order to be economically feasible.

Career Progression: Because a lawyer's professional development bears a relationship to the amount of his or her experience in the practice, an alternative work arrangement, with its reduction in the amount of the lawyer's experience, may be expected to delay a lawyer's career progression. Management has the discretion to determine that a lawyer's reduced workload over a short time has not materially affected the cumulative amount of his or her professional experience.

Review: The alternative work arrangement will be evaluated annually to see if it is working for the lawyer and for (firm/employer). Based on that evaluation, the arrangement can be continued, modified or terminated. The lawyer, his or her supervisor and the liaison are expected to meet periodically to review how the arrangement is working and to agree upon such adjustments as are necessary to address problems or improve the arrangement.