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MANAGEMENT

Changing Attitudes on Firm Flexibility

Accurate calculation of the cost of turnover and client loyalty will produce a strong case for flexibility

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"Doubt is the thief that often makes us fear to tread where we might have won."

— William Shakespeare

Despite the desire by many attorneys at some time in their careers to have more flexibility in their working arrangements, particularly now that technology makes it so much easier, decision makers and even the candidates for flexibility themselves resist such arrangements. The deterrents to faster progress are perceived fears and uncalculated costs and benefits.

Here are some of the predominant arguments — from managers and those who might take advantage of flexible work arrangements, respectively — and some responses.

Perception vs. Reality

Objections on the part of management or team members may include:

- *Micro-managing*: People aren't working if you can't see them at any given time.

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Consider that people work on airplanes and in airports and in client offices all the time with the firm's blessing and encouragement. In terms of being accessible, those situations are no different from working at home or any other alternate location.

Given existing technology and the proclivity to use it, anyone can be accessible wherever they are. Most professionals today have cell phones and many have Blackberries or some access to e-mail.

The flexible work arrangement (FWA) deal has to be that individuals will be accessible to clients and to the office, even when they are not present in the office.

The significant factor to measure is whether individuals get their work done well and on time. It doesn't matter where or what time of day they do it.

Both studies and empirical observation have shown that different people are most productive at different times of day and in different work environments. Forcing them into a mold and micro-managing them reduces their productivity and motivation.

If you trust your valuable clients with these professionals, why can't you trust the professionals to get their work done if you can't see them actually doing it?

Do you want to spend your time walking the halls to see if all your people are working at any given moment? Don't you have better things to do?

- *Fairness*: It isn't fair that some people are permitted to have flexible schedules.

If their compensation is reduced accordingly, and other policies are clarified so that they are adjusted appropriately, concerns about fairness can be put to rest.

It is only unfair if flex-timers are not given good assignments — and then it is unfair to them, not anybody else.

While sometimes people can feel resentful that some of their colleagues don't have to be in the office as much as they do, or leave earlier, this often is because they perceive that their colleagues are getting "special deals" that are unfair. The more that people know about these work arrangements, and understand about policies governing them, the less this will occur.

- *Commitment*: People who work on alternative arrangements are not as committed to work and to the firm.

Studies have shown that people who work on flex-time are even more efficient than traditional full-timers, as they have to be very organized to manage what is essentially two jobs.

If they were not committed, they would simply leave, rather than dedicating themselves to a demanding life of juggling.

- *Avalanche*: If we permit flexible arrangements, everyone will want one.

Firms that have offered arrangements in an ad hoc manner have not experienced

a flood of requests.

Most people still would choose high pay for long hours if they have challenging work in a pleasant environment.

- *Cost*: It will be costly to administer flexible arrangements, and we may not do it equitably.

If firms accurately calculate the cost of turnover, poor morale and client loyalty, they will produce a strong business case for flexibility. Most firms do not track and calculate these costs and savings. (Worksheets to calculate these costs are available.)

Designating an FWA coordinator who monitors the arrangements and their implementation will ensure that they are administered equitably. (This is a part-time role carried out by someone with other human resources responsibilities.)

Once an administrative process is in place to handle FWA requests, costs will be nominal.

Flex-Timers' Fears

People who would like to embark on alternative work arrangements have their own concerns. Indeed, many studies have documented that these fears are well founded. However, it's not all bad news. With thoughtful crafting of policies, a new work schedule or arrangement can flourish if candidates are careful about how they proceed.

Fears on the part of the individual candidates include:

- *Stigma*: People will think less of me if I have an alternative work arrangement.

If you organize your new work arrangement properly in advance — clarifying policies and working out ways to handle potential problems, especially relating to communication — you will be much more likely to convince others that you are still a “player.”

- *Career blocker*: If I do this my career will be damaged or ruined.

Certainly there are examples out there where this has occurred.

Again, if you properly plan your work arrangement, make sure to communicate on a frequent basis with colleagues, and do the things that you would have to do ordinarily (try to bring in some business, keep up informal contacts within and without the firm), you can maintain a thriving career.

- *Assignments*: I won't get the plum assignments.

There may be some assignments that you won't get due to time commitments or other factors. However, you can talk to colleagues about how you would handle demanding assignments to reassure them that they shouldn't assume you aren't available or able to do such assignments. And most assignments don't require the ability to be in the office 24/7.

Everybody Is A Winner

While we can make an excellent business case for cost savings related to retention, high morale, and client satisfaction and loyalty, it is true that there will be some up-front administrative time and costs associated with a flexible work arrangement. On balance these will be minimal, especially once the firm is set up to handle requests and monitor each arrangement.

In fact, in slow economic times, voluntary flexible arrangements at reduced compensation are an obvious win-win for both firms and individuals. For the firm there are compensation cost savings while retaining talented professionals and their knowledge of clients' business; happy clients because they dislike turnover; avoidance of the poor morale that layoffs inevitably bring; and ability to re-negotiate the arrangement when work loads increase.

So why the resistance? Attitudes are slow to change, requiring dedicated effort and experience in the changed environment. The more flexibility is tried, the more allies will be gained if information is shared and flexibility is viewed as a possibility for anyone at any stage with a good business plan. Take up the challenge and conquer the fears. ■