

Will Flextime Set You Up To Be Laid Off?

Tara Weiss, 07.15.09, 11:18 AM EDT

It has happened--so be very careful.



In Pictures: Make Sure Flextime Doesn't Get You Laid Off

Before the recession hit, allowing a flexible work schedule was one of the ways employers retained the best talent. Some staffers opted to telecommute a few days a week. Others worked a compressed work week of four 10-hour days. Some did a more traditional part-time schedule.

But as the economy has worsened and layoffs multiplied, many of those employees are wondering if their flexible schedules are making them targets for layoffs. They fear that out of sight means out of mind--and out of a job.

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Manhattan-based employment lawyer Matthew Blit was recently approached by someone who until recently been working in [advertising sales](#). The person had been the only one in his group who regularly worked from home; he was also the only one laid off in a recent round of downsizing.

Blit spoke to the company's lawyer and learned one reason his client was let go was because he had been telecommuting two days a week--even though his sales numbers were higher than most of his group's. But since there were no discriminatory factors involved in the layoff, such as being fired because of race, sex, age, national origin or religion, so there was no basis for a lawsuit.

Examples like that are very frustrating for advocates of flexible work arrangements, because when done right, flextime is a good business decision. Employees who work reduced hours save money for the company, and those who work from home tend to be more productive, experts say. And don't discount the importance of keeping employees happy, particularly top performers. They're the people with the most options for leaving a company, now and especially when the economy rebounds.

"More than 20 years of documented data show that working remotely improves productivity, usually by double digits," says Pat Katepoo, a flexible-work adviser and founder of WorkOptions.com, a resource for career professionals who want to negotiate flexible work arrangements. "People aren't afraid of working hard. They just want to do it with more control."

Deborah Epstein Henry, founder of Flex-Time Lawyers, a national consulting firm that advises the legal field on work-life balance and the retention and promotion of women attorneys, set out to prove that. She and three other attorneys recently [published an analysis](#) using an economic model from NERA Economic Consulting showing that the legal profession could save millions of dollars and avoid layoffs if it offered attorneys reduced hours with commensurate salary reductions.

Attorneys at big law firms are typically paid based on working 2,000 billable hours a year. In the NERA model, hours were reduced across the board from 2,000 to either 1,900 or 1,800. Henry and her colleagues found that the economic benefit was just as great if associates worked varying billable hours--ranging from 1,200 per year to 2,000 per year depending on their practice areas, market demands and other considerations--as if they all worked the same reduced number.

"We demonstrated savings in firm revenues in the millions over a five-year period," Henry says. "We're saying now that there's an economic reason to encourage reduced hours. We're saying that you can move to realize profitability and not lay as many people off."

Despite that evidence, there's still a stigma attached to asking for a flexible work arrangement. Lots of managers think that if you're not sitting in a cubicle near their office, you're goofing off. Or if you work fewer hours, it must mean you're less dedicated. Still, there are ways to do it and still keep from becoming a layoff target.

Before filing a request for flextime, assess your company's economic situation. If business is lackluster and there are rumors of layoffs, hold off. Also, consider whether there's a precedent for working from home. Will you be the first person to ask for it?

If so, emphasize how much work you'll get done without the continual interruptions of daily life in an office. Also, start off slowly, asking to work from home a few times a month, not several days a week. "Make a strong business case as to why this should work," says Lisa Martin, a career coach and the author of *Briefcase Mom: 10 Proven Practices to Balance Working Mothers' Lives*.

Whether you're working from home or putting in reduced hours in the office, be accessible and responsive to clients and co-workers. "Part of the anxiety is that they won't be able to reach you when they need to," Henry says.

Also, send status reports to your manager every few days, with updates on the projects you're working on. "Make sure your accomplishments are highlighted, without being too self-congratulatory," says Susan Lil, president of Align HR, a human resources consulting firm.

Schedule your time in the office to coincide with departmental meetings, and show up at company social functions. Make a point of dropping by the offices of your higher-ups, so they'll see that you're in the office. "The burden is on the telecommuter to foster a good working relationship with co-workers," says Lil.

Most important, be flexible. If your boss needs you in the office, be there. And if a co-worker leaves the firm, offer to take on extra work. You should go out of your way to prove that you're a dedicated member of the team.