



# Babies and Billables

## The pros and cons of launching a day care facility at your law firm

BY MARY KATE SHERIDAN

Could the pitter patter of little feet be the next big benefit at your law firm? True, employer-sponsored child care centers are not the norm. Among the firms ranked in the Working Mother & FlexTime Lawyers Best Law Firms for Women 2011 (a self-selected applicant pool), 22 percent provide onsite or near-site day care. Further, the Families and Work Institute's 2012 National Study of Employers found that 7 percent of those surveyed offer child care facilities, and the Society for Human Resource Management's 2012 Employee Benefits report revealed that only 4 percent of respondents offered a subsidized child care center and another 4 percent offered a non-subsidized facility.



“These facilities – when they’re done right – give lawyers that much more assurance and security that their kids are well taken care of so they can focus on their work.”

---

But a convenient day care option can yield significant rewards, especially for law firm employees, who often work long, unpredictable hours. “I really do think at the end of the day it’s important for firms to at least consider it,” said Tom Edwards, Executive Director of Munger, Tolles & Olson LLP, which opened a 12,000-square-foot child care facility called Hope Street Friends in partnership with O’Melveny & Myers LLP and Oaktree Capital Management, L.P. in 2010. “There’s nothing more important than the human capital we put in the office every day. ... I think this is one of those things that enhances our human capital.”

Firms contemplating the addition of a child care center should understand the policy and facility planning required, as well as the potential benefits and downsides of the initiative.

### PLANNING YOUR OFFICE PLAYPEN

Before your firm brings in the rattles and blocks, you must first lay the groundwork. “It’s about developing a program that’s high quality, affordable, and convenient,” said Piper Olsen, Vice President, Client Services at Bright Horizons Family Solutions – an organization that provides employer-sponsored child care and back-up care. Below are some key factors in the planning process.

### STRATEGY

Your firm should first pinpoint the business case for establishing a child care facility, whether that be advancement of women, community goodwill, competitive edge in recruitment, employee well-being, family-friendly culture, filling a day-care void, productivity or some other objective. Many of the defining aspects of the facility – such as size, client base, tuition strategy and location – will follow from outlining your strategy, said Olsen.

### OUTSIDE PROVIDER

Obviously, law firms are not in the business of child care and education, so many enlist an outside provider to consult on the facility development, assist with licensing, manage the design, operate the center and help with any other logistics. According to Edwards – whose firm has partnered with

Bright Horizons to launch and run Hope Street Friends – one of the biggest mistakes a firm can make is trying to save money by foregoing the help of an expert. “It’s going to cost you long term,” he said.

For firms that want to develop more than a mere caretaker service, the provider choice is even more critical. Munger was particularly drawn to Bright Horizons because of its expertise in educational curricula – the firm wanted to create an enriching environment and to pursue accreditation, so this focus was important.

In assessing potential providers, firms should consider the company’s reputation, client retention and track record in the particular industry, said Olsen. Firms should also decide how much authority to give the provider in running the facility, how hands-on the firm will be in the facility’s operations, and which individuals at the firm will serve as liaisons.

### SIZE

Critical to planning the day care center is determining the size of the program. Olsen suggests that administrators first analyze the firm’s employee demographic and geographical information with a child care expert. “You want to make sure you can accommodate the work force the way you planned, and you need consulting help,” she said.

Once they’re ready to begin planning, firms should nail down the breadth of the benefit’s application. Deborah Epstein Henry – founder of the consulting firm Flex-Time Lawyers LLC® – does not recommend exclusivity when it comes to firm employees. “The most important thing is that the benefit is one that is offered both to lawyers and to office staff,” said Henry. “Without providing equal access, there’s tremendous colleague resentment.”

Some other size-related factors that firms must review include, (1) who is eligible: employee’s children, grandchildren, nieces and nephews, siblings, cousins or other categories; (2) the age range of the facility: infants, all children up to kindergarten, younger children during the day and older children in after-



# No Facility? No Problem.

Do you like the idea of assisting attorneys and staff with their child care needs but don't have the facilities, finances or resources for an onsite child care facility? Why not bring the babies to the boardroom ... literally.

A babies-at-work program permits employees to bring their infants with them to the office and keep them at their workspace throughout the day. This arrangement has worked for Virginia law firm Tucker Griffin Barnes P.C. for around 18 years. The firm allows parents to bring their infants in up to the age of 6 months (or until they start to crawl) and even features play areas in the lobby and conference rooms so that clients can also bring their children.

"Parents can continue to work and have that time with their babies, so it's not such a separation anxiety after the first eight weeks," said Mike Griffin, Business Manager of Tucker Griffin Barnes.

"That's a huge benefit. The parents are relaxed. They've got their child with them. They come back to work sooner. It also helps from the financial side."

Carla Moquin, Founder and President of Babies in Business Solutions and the Parenting in the Workplace Institute, urges firms to start with a pilot program and gain support from the top down. Moquin also recommends that firms create a detailed policy covering such areas as productivity requirements, alternative care, structure for volunteers to watch the baby during meetings or bathroom breaks, complaint procedures, baby-free zones and age limits (most likely the age at which the children become mobile). Firms may also want to consult with outside counsel on a legal waiver form.

"The goal is to really get the company to try it," said Moquin. "Set it up right with a clear structure – with clear, sustainable rules and procedures. When you do that, one of the critical rules is that the babies cannot be disruptive to the work environment. And you have to make that clear. Another rule is that the parents and the coworkers are still responsible for their work. ... As long as you have those things in place, parents are really

determined to make sure they can keep bringing their babies, so they work really hard to respond to the smallest sound of distress."

While a formal day care facility is not required, firms should set aside a room with a door where parents can soothe fussy children, suggests Moquin. A babies-at-work arrangement may result in a host of benefits to parents, such as removing child-care stress, providing financial savings, giving parents more time with their children and enabling

mothers to breastfeed. And it can benefit the firm, too, building employee morale and loyalty, increasing retention and returning employees to work sooner. According to Moquin, many offices with babies-at-work programs notice that the children make the environment friendlier and build more camaraderie among the employees. "The firm is the greatest beneficiary of this policy," said Griffin.

To find out more about babies-at-work programs, visit [www.babiesatwork.org](http://www.babiesatwork.org).



# Day Care Design Check List



Innovative artwork and mahogany furniture may be perfect decor for your firm, but it won't cut it for the young'uns. Consult with an architect, interior designer, child care provider or whoever is helping you build the space so that you can make it both engaging and safe for kids. Below are some design areas to consider.

- **FINGER PROTECTORS:** Take a cue from Munger, and keep the little ones' digits safe with finger protectors on doors, windows, cabinets and anything else that can close on tiny hands.
- **FLOORS:** Bright-colored rugs may be your gut reaction when thinking about floors, but Edwards advises firms to think linoleum instead. You'll have an easier time cleaning up spills and other messes and can dress up the facility through decor and furniture.
- **FURNITURE:** Depending on the age range of your firm's day care facility, you will need a variety of furniture, such as cribs, high chairs and bouncy seats for babies and child-size chairs and tables for toddlers and kids. Consult with an expert to determine your exact furniture needs.
- **LEARNING ACCESSORIES AND TOYS:** Don't forget to stock the facility with games, educational tools and toys to spark some creativity. (Who knows, you may be enriching future firm attorneys and staff!)
- **PARENTS:** While the facility should cater to the tykes, parents may visit their children, meet with teachers or breastfeed. So make sure that you include some adult-sized furniture.
- **PLUMBING:** Bringing in a group of kids means there will be lots of potty breaks, messes and meals. So don't forget to provide plenty of access to water and bathroom facilities, said Olsen.
- **TECHNOLOGY:** Want to help your firm's parents feel even more connected with their kids? Install video technology that allows them to see how the kids are doing from their own computers.
- **THEME:** Bring it all together with paint, artwork, accessories and other designs to make the space a welcoming retreat for babies and kids. Remember, these tots will be spending most of their days at the center.
- **WINDOWS:** You probably don't need a reminder to include natural sunlight in the day care facility, but be sure to drop the window height so those little faces can enjoy some outdoor gazing, Olsen suggests.



“Parents can continue to work and have that time with their babies, so it’s not such a separation anxiety after the first eight weeks. That’s a huge benefit. The parents are relaxed. They’ve got their child with them. They come back to work sooner. It also helps from the financial side.”

school programs, or some other range; (3) whether the center will cater solely to parents who work at the firm or if will be open to others in the community; and (4) whether the facility will be available on an emergency basis for employees who don’t use it regularly.

### TEAM UP

Firms may also consider partnering with area businesses to launch a joint center, sharing the costs and planning. This approach has worked for Munger, O’Melveny, and Oaktree in the creation of Hope Street Friends. Edwards attributes the partnership’s success to the entities’ shared goals and similar cultures.

### FACILITIES

You can’t have a child care benefit without the actual facility. Creating the space for a child care center requires significant planning, both in terms of licensing and physical design. Consider the following:

- **Licensing**

One of the most important initial steps in developing a child care center is communicating with local and state regulatory agencies regarding licensing requirements for the child care facility, said Edwards. Everything from the number of children allowed to square footage of outdoor space to the facility’s location, among other factors, may be regulated. Firms

**CLM**<sup>SM</sup>  
Certified Legal Manager

*“I started my legal career as a human resources professional, and pursued the CLM designation to broaden my knowledge of law office management. Talk about making the right move at the right time. When my firm merged, I was selected as the new office administrator, in part due to my experience and the knowledge I acquired as a CLM. The designation helped elevate me to that position and continues to make me an indispensable asset to my firm.”*

The ALA Certified Legal Manager (CLM)<sup>SM</sup> program has been helping legal managers chart their courses to personal satisfaction and professional success for more than 10 years. Discover how CLM is right for you at [www.alanet.org/clm](http://www.alanet.org/clm).

[www.alanet.org/clm](http://www.alanet.org/clm)



*Constantly Learning More.*  
Rita Nielsen, CLM



“It’s very stressful as a parent trying to find high-quality, affordable and convenient child care. When you can help employees do that and put them in an environment where they feel safe ... that relieves their stress and helps with their well-being.”

should wait to complete any plans until they are certain they are in compliance, or else they may waste time and resources.

- **Lactation Rooms**

One benefit of an onsite child care facility is that it allows working mothers to continue breastfeeding. Firms should consider including lactation rooms in the design of the facility so that mothers can easily feed their children during breaks, said Olsen.

- **Security and Parking**

Firms should assess how the onsite child care center changes their security needs, including how to handle building access and parking for non-employees who drop off children, said Edwards.

- **Scope**

Keeping in mind its objectives, a firm must plan the day-to-day scope of its child care facility. For instance, administrators must decide which hours and days of operations will best meet the firm’s needs.

The firm must also calculate tuition costs for participants. Possible tuition options are market tuition, below-market

tuition, and sliding scale tuition – with higher earners like partners and associates paying more than lower earners, said Olsen.

## POSITIVES FOR PARENTS AND PARTNERSHIP

Investing in a child care facility is a lot of work, but it also may yield a myriad of benefits to both the law firm and its attorneys and staff.

- **Retention**

Parents may be more likely to stay with a firm and to return after leave if the firm offers onsite child care. In fact, according to “The Lasting Impact of Employer-Sponsored Child Care” report by The Consulting Practice at Bright Horizons (“Bright Horizons’ Lasting Impact report”), 94 percent of parents using full-service centers say that work-site child care would affect their decision to make a job change. The report, which analyzes data on how employer-sponsored child care affects parents, also revealed that 89 percent of respondents using full-service centers deemed onsite child care an important factor in returning after birth or adoption.

Child care facilities can also aid retention because parents might be hesitant to remove their children from the facility. “Once you have a child and the child develops a relationship with a child caregiver, parents think twice about leaving,” said Olsen.

- **Recruitment**

Firm-sponsored child care can be a useful recruitment tool for law firms. “From a PR perspective, it brings the notion and the image of that firm being family friendly to [a] whole other level,” said Henry.

- **Attendance**

More than one-third of working mothers who responded to a 2012 survey by Care.com missed work in 2011 because of a child care issue. Firms can help employees avoid such absences and tardiness by offering reliable child care that is customized to the legal field’s unique hours and demands.

## Day Care Turns Night Care

It might be called “day care,” but that doesn’t mean nighttime hours are off limits. Follow the lead of Hope Street Friends and offer “Parents Night Out.” Open the facility for a few hours on a Friday night so that attorneys and staff can drop off their kids and enjoy a dinner date, a show or some well-deserved time to relax.



“The goal is to really get the company to try it. Set it up right with a clear structure – with clear, sustainable rules and procedures. When you do that, one of the critical rules is that the babies cannot be disruptive to the work environment. And you have to make that clear. Another rule is that the parents and the coworkers are still responsible for their work. ... As long as you have those things in place, parents are really determined to make sure they can keep bringing their babies, so they work really hard to respond to the smallest sound of distress.”

#### • **Productivity**

Firm-sponsored day care may boost employee productivity. “These facilities – when they’re done right – give lawyers that much more assurance and security that their kids are well taken care of so they can focus on their work,” said Henry. Notably, Bright Horizons’ Lasting Impact report found that 90 percent of respondents using full-service centers believe access to the facility improves their concentration and productivity.

Convenience of an onsite center may also increase productivity. For example, with an onsite facility, parents may save time commuting because they no longer have day care drop offs. Further, a firm-sponsored facility is more likely to be customized for rigorous, unpredictable schedules.

#### • **Well-Being**

Convenient, nearby child care can relieve new parents’ anxiety and eliminate concerns over unreliable child care. “It’s very stressful as a parent trying to find high-quality, affordable and convenient child care,” said Olsen. “When you can help employees do that and put them in an environment where they feel safe ... that relieves their stress and helps with their well-being.”

And for firms focused on strengthening employee satisfaction, stress relief can go a long way. “Our goal is to have happy people in the center and lots of them,” said Edwards. “Our parents are happy. ... They come back to work with a lot less anxiety.”

#### **DAY CARE DOWNSIDES**

While firms may benefit from offering onsite child care, they should also prepare for potential risks and complications.

#### • **Liability**

Firms that launch onsite day care facilities may worry about liability risks if a child is injured or harmed. They should consult with counsel from the outset of the project to assess potential liability and set up protections, such as insurance. Firms should also investigate what insurance their child care provider offers and whether the firm will be indemnified should a situation arise.

#### • **Different Relationship**

Administrators should also be aware that while the firm may build morale and loyalty through this benefit, it is also entering a new type of relationship with its employees. “You’re changing the complexity of the relationship, and it’s important to do so with your eyes open,” said Henry. Employees will likely be very sensitive to any issues that may adversely affect their children, and firms should be prepared to respond quickly and effectively to any problems.

#### • **Cost**

Building a child care facility requires both financial and time commitments. Administrators should weigh the projected benefits against these costs to determine whether the center makes sense for the firm. ■

#### About the author



**Mary Kate Sheridan** is a writer, editor, blogger and attorney. She received her JD from Columbia Law School and her bachelor’s degree in English from Mary Washington College. Contact her at [mk@marykatesheridan.com](mailto:mk@marykatesheridan.com).