



The Three Faces of Work-Family Conflict

The Poor, the Professionals, and the Missing Middle

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These are the three faces of work-family conflict in our country today. These are the families that need comprehensive work-family government policies that give them all the opportunity achieve the American Dream.

The poor

Kim Braithwaite was making progress. She was working two jobs to support her two children, 9-year old Justina and 1-year-old Justin. But on October 12, 2003, she faced a dilemma: her babysitter was late. Kim would be tardy for her shift at McDonald's if she delayed and she worried that she would be fired. The sitter would arrive in a few minutes, Kim reasoned, and she left for work. The next she heard was from the police. Her children were found dead in her front room; her apartment had caught fire before the babysitter arrived. Kim was arrested for child neglect. Said a neighbor, "It's hard when a single mother has two or three kids and has to work a lot. But I never hear her kids crying, never see her yelling at them. She is a good mom."¹

The bottom 30 percent of American families try to get by on a median annual income of \$19,000, earning less than \$35,000 dollars a year.² Their median income has fallen 29 percent since 1979 (in inflation-adjusted dollars). These families get few benefits from their employers to help manage work-life conflict and often hold jobs with inconsistent or unpredictable schedules that exacerbate these conflicts. Government policies to help these families cope with work-life conflicts are too-often inadequate and underfunded, yet conservatives point to the problems these families have in balancing work and family as proof of their "irresponsibility."



The professionals

Sally Sears was a high-profile TV news anchor, a job she loved and continued for nine years after her son's birth. But then "[m]y five-day 50-hour week was becoming a 60-hour week." She felt she was missing her son's childhood, so she asked to reduce her hours to something more like traditional full time. Her employer said it was all or nothing. Very reluctantly, she quit. Ironically, the same all-or-nothing employer soon hired her... to report part time. But now she had no job security, no pension, no health insurance, and no chance for advancement. "It kills me that I'm not contributing to my 401(k) anymore," she told a reporter.³

The highest income families, who typically hold professional or managerial jobs, have a median annual income of \$148,000, earning above \$101,000 a year, with one in five earning above \$210,000, and one in ten earning above \$320,000. Their median income has increased 7 percent since 1979 (in inflation-adjusted dollars). Employers are most likely to offer paid leave and workplace flexibility to these workers, yet require long hours that make achieving a workable balance impossible for many. Conservatives and progressives alike fall for the false notion that women in these families who "opt out" of the workforce are voluntarily doing so for the sake of their kids.

The missing middle

"Mike drives a cab and I work in a hospital, so we figured one of us could transfer to nights. We talked it over and decided it would be best if I was here during the day and he was here at night. He controls the kids, especially my son, better than I do. So now Mike works days and I work graveyard. I hate it, but it's the only answer; at least this way somebody's here all the time. I get home at 8:30 in the morning. The kids and Mike are gone. I clean up the house a little, do the shopping and the laundry and whatever, then I go to sleep for a couple of hours before the kids come home from school. Mike gets home at five, we eat, then he takes over for the night, and I go back to sleep for a couple of hours. I try to get up by 9:00 so we can have a little time together, but I'm so tired that I don't make it a lot of times. And by 10:00, he's sleeping because he has to be up by 6 in the morning. It's hard, very hard. There's no time to live or anything."⁴

Americans who are neither rich nor poor have a median annual income of \$64,000, earning between \$35,000 and about \$110,000 a year. Their median income has fallen 13 percent since 1979 (in inflation-adjusted dollars). These families too often are overlooked by government policies and academic studies. This report is designed to ensure policymakers understand the day-to-day challenges faced by this "missing" 50 percent of American workers, and the political benefits to be gained by attending to them, alongside the poor and the professionals.⁵



Introduction and summary

Work-family conflict is much higher in the United States than elsewhere in the developed world.⁶ One reason is that Americans work longer hours than workers in most other developed countries, including Japan, where there is a word, *karoshi*, for “death by overwork.”⁷ The typical American middle-income family put in an average of 11 more hours a week in 2006 than it did in 1979.⁸

Not only do American families work longer hours; they do so with fewer government-mandated family support laws. Only the United States lacks paid maternity-leave laws among the 30 industrialized democracies in the Organization for Economic Co-operation and Development.⁹ The only family leave available to Americans is unpaid, limited to three months, and covers only about half the labor force.¹⁰ Discrimination against workers with family responsibilities, illegal throughout Europe,¹¹ is forbidden only indirectly here. Americans also lack paid sick days, limits on mandatory overtime, the right to request work-time flexibility without retaliation, and proportional wages for part-time work. All exist elsewhere in the developed world.¹²

So it should come as no surprise that Americans report sharply higher levels of work-family conflict than do citizens of other industrialized countries.¹³ Fully 90 percent of American mothers and 95 percent of American fathers report work-family conflict.¹⁴ And yet our public policy makers in Congress continue to sit on their hands when it comes to enacting laws to help Americans reconcile their family responsibilities with those at work.

Why the political impasse?

The United States today has the most family-hostile public policy in the developed world due to a long-standing political impasse. The only major piece of federal legislation designed to help Americans manage work and family life, the Family and Medical Leave Act, was passed in 1993, nearly two decades ago. In the interim—when Europeans implemented a comprehensive agenda of “work-family reconciliation”—not a single major federal initiative in the United States has won congressional approval. In the 110th and 111th congressional sessions, the Federal Employee Paid Parental Leave Act, which would provide four weeks of paid parental leave to federal employees, passed the House of Representatives—garnering support from 50 Republicans in the vote in the 110th Congress—but has not passed in the Senate.

Paid family leave legislation at the federal level remains absent despite years of effort. Childcare subsidies are limited to the poor and are sporadic even for those families, as we will further describe below. The only other relevant federal programs, tax credits for childcare and other dependents and the ability to use pretax earnings for dependent care, offer most families only a small annual subsidy that is not available for families who owe no taxes.

Why has widespread concern over work-family conflict failed to translate into political action? One reason is this: when American public policymakers and the media think about work-family conflict, they think mostly about Sally Sears, the professional TV anchor profiled in our opening pages. Public discussion of work-family conflict has focused largely on the “opt-out revolution” by professional mothers who leave the fast track in order to care for children.¹⁵ Newspapers’ coverage of these “opt-out moms” typically projects a hagiographic image of women choosing selflessly to place their children’s needs before their own.

This picture contrasts sharply with coverage of a different group of opt-out moms. “Welfare-to-work” mothers also receive extensive media coverage, although these stories typically are not framed as stories of work-family conflict. Typically stories about these women revolve around the tug-of-war over whether poor mothers who are not employed are, or should be, cut off from the Temporary Assistance for Needy Families, or TANF program, which as of 2009 offers low-income, unemployed mothers an average of \$372 a month, with a lifetime cap on benefit receipt of five years or less.¹⁶

Neither portrait is accurate nor a recipe for building a strong coalition toward changing public policy to address work-family conflict. Both professional women and welfare mothers are portrayed in these narratives as lacking sufficient personal or financial incentives to work outside the home. Thus, in this frame, the problem is not the lack of adequate public policies but rather the personal choices of a small set of mothers who are in families that do not happen to look like most U.S. families. Politicians have actively used these narratives to reject moving forward on a work-family agenda.¹⁷

Lost in the shuffle between the professional mothers praised for staying at home, and poor mothers criticized for doing so, is a much broader group that Harvard University sociology professor Theda Skocpol aptly calls the “missing middle.” Skocpol finds “puzzling” that “our policy debates deal so little with the fate of working families of modest means, the people who put in long hours to earn a living and make a decent life while coping with rising pressures in their workplaces while trying to raise children in solo-parent or dual-worker families.”¹⁸

Information is strangely scarce about these embattled middle-income families—who are constantly struggling either to remain in the middle or to work their way into the lifestyles and livelihoods of the professionals. Relatively few policy studies or academic papers discuss the lives and work of Americans in the middle. One goal of this report is to take seriously Skocpol’s call to include the missing middle in progressive analysis and policy recommendations.

This report looks for the first time in a comprehensive way at work-life conflicts across all families, with the exception of the truly wealthy.¹⁹ Through showing the three faces of work-family conflict, our analysis points toward how we can build a stronger coalition for policies to address work-family conflict. With the support of the Ford Foundation and the Rockefeller Family Fund, we break down the relevant data sets by income. Specifically:

- Low-income families, defined as the bottom one-third of families in terms of income
- Professional-managerial families, defined as the 13 percent of American families with incomes in the top 20 percent and at least one adult is a college graduate—13 percent of families in 2008
- The remaining 54 percent of families: the Missing Middle—53 percent of families in 2008

Our data encompass the late 1970s (1977, 1978, and 1979) to the late 2000s (2006, 2007, and 2008), and includes only families with an adult between ages 25 and 54. For simplicity, we draw comparisons between “today” and “30 years ago,” although we are a few years off in each direction. We use data from the Current Population Survey Annual Social and Economic Supplement and the Survey of Income and Program Participation to examine income, hours of work, and childcare usage and costs across families. Due to limitations of these surveys, we are not able to include an analysis of nonheterosexual families. All numbers without citation in the report are from our analysis. (Please see the Data and Methods Appendix for more on our data and method.)

Our analysis shows that while families across the spectrum face work-family conflict, they experience it differently and the politics of resolving these work-life conflicts are defined by these differences. While these differences are very real, they mask the fact that no matter where Americans stand on the income spectrum, they need short-term and extended paid leave and new workplace flexibility rules, as well as high-quality, affordable childcare and freedom from discrimination based on family responsibilities.

In short, this report reveals the disconnect between Americans’ widespread concern over work-family conflict and their inability to pass legislation to address the issue. Understanding this disconnect first requires a portrait of why work-family conflict is so acute and widespread today. We detail the three distinct faces of work-family conflict in the United States in the main body of this report, and then outline a new template for policy analysis. But we begin by highlighting the basic contours of our analysis.

An American workplace perfectly designed for the workforce of 1960

In 1960, only 20 percent of mothers worked, and only 18.5 percent were unmarried.²⁰ Because the most common family was comprised of a male breadwinner and stay-at-home mother, employers were able to shape jobs around that ideal, with the expectation that the breadwinner was available for work anytime, anywhere, for as long as his employer needed

him. This model did not serve the small but certainly not insignificant share of families who did not fit this mold, but the model stuck.

This model makes absolutely no sense today. Now, 70 percent of American children live in households where all adults are employed.²¹ Nearly one in four Americans—more every year—are caring for elders.²² Hospitals let patients out “quicker and sicker.” Yet employers still enshrine as ideal the breadwinner who is always available because his wife takes care of the children, the sick, the elderly—as well as dinner, pets, and the dry cleaning. For most Americans, this is not real life.

This explains why work-family conflict is so widespread. Today’s workplaces are (im)perfectly designed for the workforce ... of 1960. The mismatch between the workplace and the workforce delivers negative economic consequences for individual workers at all income levels, as well as for U.S. businesses and for our economy as a whole.

From a macroeconomic standpoint, the clearest cost of mismatch is that the United States loses a key engine of economic growth because our outdated workplaces push highly trained workers out of the workforce. The most obvious example is Sally Sears, who is emblematic of millions of professional women who are educated at tremendous—often public—expense, and who are then pushed out when high-powered careers demand 24/7 availability. This problem is exacerbated because “full time” in these careers typically involves 50 or more hours a week, while the career and income penalties for “part-time” work are dramatically higher in the United States than elsewhere.²³

As a result, professional women who need hours more like a traditional full-time job of 40 hours a week often find themselves “doing scut work at slave wages,” as one professional woman put it.²⁴ This systematic de-skilling of women who work part time—as one in five professional and middle-income mothers do, according to our data analysis—is a major macroeconomic cost of workforce-workplace mismatch. So is underemployment of low-income mothers, who face wage rates so low that it makes little economic sense for them to work; a lack of subsidies for childcare often leads to the perverse situation where a mother’s take home pay is less than childcare costs.

The Economist offers a sober assessment of the macroeconomic consequences of the resulting loss of women’s human capital. The magazine warns that many women “are still excluded from paid work; many do not make best use of their skills. Greater participation by women in the labor market could help offset the effect of an ageing, shrinking population and hence support growth.”²⁵

Designing workplaces around the old fashioned breadwinner-homemaker household has microeconomic consequences as well. Individual employers may think, in good faith, that they need to work employees longer and longer hours in order to remain competitive. But that conclusion reflects confusion between the inevitable costs of doing business and the costs associated with a specific, and outdated, business model.

Extensive research documents that the mismatch between work and life today leads to very high and very expensive levels of absenteeism and attrition as well as to decreases in productivity.²⁶ Indeed, the “business case for workplace flexibility” is extensively documented at the microeconomic level. We will limit ourselves to one example: A study of manual, customer service, clerical, cashiers, and sales positions found that employee turnover was 20 percent in a single month, or 240 percent turnover a year.²⁷

That’s no way to run a business. Replacing these workers is extremely costly, given that replacing workers earning less than \$75,000 costs 20 percent of their annual salary.²⁸ Research suggests that the turnover rate for employees who lack the flexibility they need is twice that of those who have it.²⁹

These costs remain largely unnoticed because they are seen as inevitable costs of doing business. They aren’t, of course. Both macroeconomic and microeconomic analyses demonstrate that policymakers need not fear that work-family policy initiatives will undermine American businesses, or America’s competitive position in the world economy. In fact, reconciling work and family would enhance America’s competitive global position—which is why Europeans have focused so much energy on this issue.

If the United States continues on its present course, it will face a united Europe that has made great strides toward providing family-support laws and institutions—and less developed countries where work-family conflict for professional-managerial and often even middle-income families is muted by the availability of extremely cheap domestic labor.³⁰ To ensure the United States provides quality care for the next generation of workers, while at the same time utilizing effectively the human capital of its mothers, fathers, and all caregivers, we need to get serious about work-family public policy.

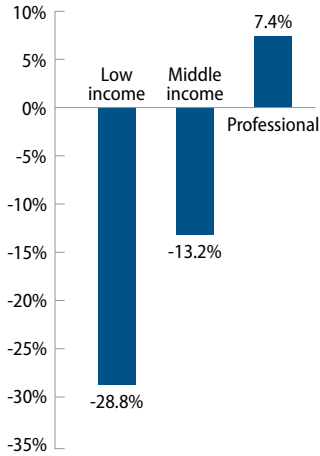
Why three faces?

The typical American workplace today is so deeply out of sync with today’s workforce because of dramatic changes over the past few decades in incomes, working hours, and patterns of family care. The result is widespread work-family conflicts, but in ways that play out differently among the poor, the professionals and the embattled middle.

First of all, incomes have diverged. In 1960, men with steady jobs could deliver the basics of a middle-class life—the house, the car, the washing machine—with only intermittent part-time work by their wives.³¹ That’s over. After the first oil embargo in 1973, the income of high-school-educated men plummeted, leaving many fewer Americans able to sustain stable access to the American dream. Yet better-educated workers experienced explosive earnings growth in the 1990s. Today, the gap between middle-income earners and high earners is much wider than it was in 1979.³² (See Figure 1)

FIGURE 1
The growing income divide

Percent change in inflation-adjusted family income, 1979 to 2008, by income



Source: Heather Boushey and Ben Zipperer's analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

Our data show that professional-managerial incomes have climbed 7 percent since 1979, while families in the middle saw their incomes fall 13 percent over the same period—and low-income families saw their incomes plummet by 29 percent. As a result, other analysis shows that families headed by high school dropouts worked 12 percent more but earned 8 percent less in real dollars in the 15 years after 1973. Families headed by high school graduates did better, but they, too, lost ground. They worked 16 percent more but earned only 4 percent more. In sharp contrast, families headed by college grads rocketed ahead. Their earnings increased by 30 percent.³³

Median incomes (incomes in the middle of each earnings group) also diverged sharply over the past 30 years. (See Table 1) In 1979, families in the three groups earned median incomes of \$27,000, \$74,000, and \$138,000, respectively, in 2008 dollars. By 2008, those three income levels stood at \$19,000, \$64,000, and \$148,000, respectively. Such sharply diverging incomes transformed the American family. Falling incomes for the middle occurred even as wives increased their labor force participation. But, even with the added earnings of wives, families struggled to afford childcare and elder care costs.

TABLE 1
Diverging classes

Median family income by income, 1979 and 2008

	Low income	Middle income	Professional
1979	\$26,709	\$74,244	\$137,547
2008	\$19,011	\$64,465	\$147,742

Source: Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database]. Minneapolis, MN: Minnesota Population Center [producer and distributor], 2009.

Changing work hours

Work hours over the past 30 years changed most dramatically for mothers, although once again patterns vary by family income. Married middle-income and professional-managerial mothers joined the workforce in large numbers. As shown in Table 2, a little more than one-third, or 35 percent, were at home full time 30 years ago. Today, only 20 percent of professional married mothers and 23 percent of middle-income married mothers are at home full time.

This trend comes as no surprise. Far more surprising is the news about low-income mothers. First, they are more likely than other mothers to be out of the labor force today, even if they are unmarried. Over one-quarter, or 27 percent, of poor single mothers are out of the labor force today compared to 4 percent of single mothers in the middle and 2 percent among professionals. Second, married low-income mothers are slightly more likely today

TABLE 2
Women in the workforce

Stay-at-home married mothers, by family income, in the late 1970s and the late 2000s

	Low income	Middle income	Professional
1977–1979	55%	35%	35%
2006–2008	60%	23%	20%

Source: Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database] (Minneapolis: Minnesota Population Center [producer and distributor], 2009).

than 30 years ago to be at home full time. Today, 60 percent of married low-income mothers are out of the labor force compared to 55 percent in 1979.

That low-income, married mothers are now more likely to not be employed outside the home is, in part, simply an artifact of putting families into groups by income. Families without a working wife are by definition likely to have less income than families with more earners. With working motherhood now so widespread, families that do not have a working mother are more likely than in the past to fall into a lower income grouping. Further, many mothers who stay home full time do so not out of a preference for caring for their own children, but due to public policy design: a lack of child care subsidies means that the costs of care would eat up most, if not all, of their earnings. Further, inflexible workplaces with unpredictable schedules make accessing quality and affordable childcare nearly impossible.³⁴

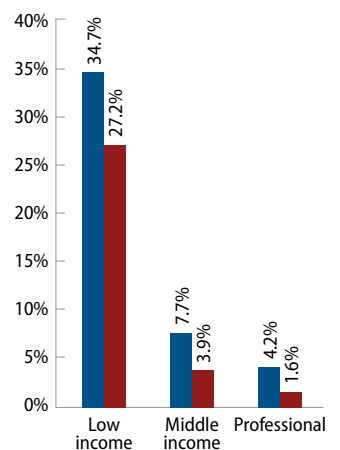
Work-family conflict is prevalent today not only because of the movement of mothers into the workforce but also due to an increase in long working hours, defined as 50 or more hours a week. Today, as 30 years ago, long hours are most common among professional-managerial men, 38 percent of whom now work 50 or more hours a week. Men in the middle are next most likely to work long hours: 23 percent do—up from 21 percent 30 years ago. Once again, the trend reverses among low-income families, with 16 percent of men working long hours 30 years ago compared to 9 percent today. (See Table 3)

Women are much less likely to work long hours, although today 14 percent of professional-managerial women do so. The exception, astonishingly, is single mothers: 32 percent of professional-managerial single mothers work 50 or more hours, as do 12 percent of mothers in the middle. Less than 4 percent of low-income single mothers work long hours, but they are more likely to put in these hours at more than one job, adding extra transportation hours onto their workdays.

What our data analysis shows is what scholars call the “time divide.”³⁵ In the United States today, many higher earners fervently want fewer hours,³⁶ while many low-wage workers can find only part-time work, or none at all, and want longer hours, consistent and predictable schedules, and benefits.³⁷

FIGURE 2
Single mothers staying at home

Nonemployed single mothers, by income, 1979 and 2008



Source: Heather Boushey and Ben Zipperer's analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

TABLE 3
Men working more, or less

Men working 50 or more hours per week, late 1970s and late 2000s

	Low income	Middle income	Professional
Late 1970s	16%	21%	34%
Late 2000s	9%	23%	38%

Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database] (Minneapolis: Minnesota Population Center [producer and distributor], 2009).

Changing patterns of family care

In 1960, only 20 percent of mothers worked, husbands supported married women, and there were relatively few families headed by a single mother.³⁸ But over the past 30 years, patterns of family caregiving diverged sharply by family income.

A key divergence concerns single motherhood. Two-thirds, or 66 percent, of low-income families with children are headed by single parents today, compared to a little under half, or 47 percent, in 1979. In sharp contrast, 81 percent of families in the middle, and 96 percent of professional-managerial families with children are headed by married parents. That represents a just over 10 percentage point drop among middle-income families, as 93 percent of families with children were headed by a married couple in 1979, but only a 2 percentage point decline among professional-managerial families.

Predictably, childcare also varies across family income levels. (See Figure 3) The most common form of care in low- and middle-income families is by relatives other than the parents themselves. Roughly one-third of each group—34 percent and 30 percent, respectively—relies on relatives as their primary kind of childcare. Only about one-quarter, or 24 percent, of professional-managerial families rely on relatives. Instead, these higher-income families are more likely to rely on child-care centers—37 percent do—as do roughly 30 percent of families with low- and middle-income families.

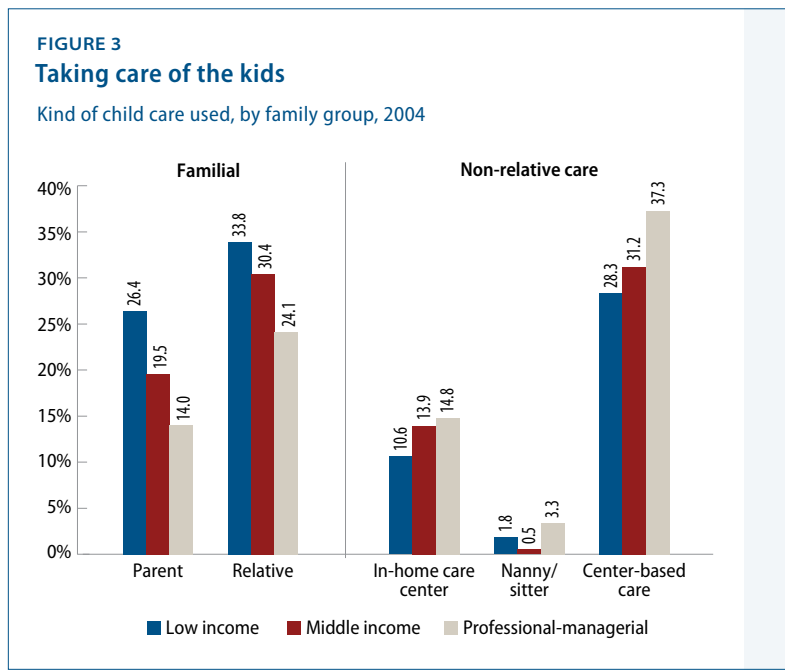
Perhaps most surprising, low-income families are more likely than other kinds of families to rely on the moms and dads themselves for childcare, 26 percent, compared to 20 percent of middle-income families and 14 percent of professional families. Less than 4 percent of families in all three groups rely on sitters or nannies.

A final factor that affects work-family conflict is child-care costs. Unlike Europeans, many of whom have access to high-quality, neighborhood-based childcare at subsidized rates, Americans at all levels struggle to find high-quality childcare—and struggle even more to pay for it. According to our analysis, in March 2009 dollars, low-income families pay around \$2,300 a year per child for childcare for children under age 6—about 14 percent of their income. Families in the middle average \$3,500 a year—6 percent to 9 percent of their

income. Professional families pay about \$4,800 a year—3 percent to 7 percent of their income.

Subsidies are available only for low-income families and are scarce and sporadic even for them. About 30 percent of low-income families using center-based care, and 16 percent using an in-home care center for a child under age 6, receive subsidies. The percentage of middle-income families receiving subsidies is negligible—about 3 percent for an in-home care center.

There are federal tax policies, however, that tend to benefit middle-income and professional-managerial families. The Child and Dependent Care Tax Credit benefits middle-income workers and families because it is only available to families where parents—both parents if it is a married couple—have earnings or are in school. Low-income families often don't earn enough to benefit significantly from or even receive the tax credit. Flexible Spending Accounts for Dependent Care mostly go to professional-managerial families because employers must set up these programs.³⁹ A real weakness of both policies is neither controls for quality of care. Further, neither is large enough to provide significant help for most families.⁴⁰



Source: Heather Boushey and Ben Zipperer's analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

The mismatched dynamics of work-family conflict

Our report makes it possible not just to understand how family income differences affect the experience of work-family conflict by the American people, but also to see how public policy negatively affects family life—and how enacting progressive family friendly laws and regulations could improve life for Americans across the income spectrum. Effective political action to reform our workplace rules has been stymied by the great divide among the poor, the professionals, and the missing middle—each group has different types of jobs, handles childcare differently, and has different amounts of disposable income to help them manage work and family obligations.

Yet, from a policy standpoint, each group needs four basic kinds of supports and protections Americans now lack:

- Short-term and extended leaves from work, including paid time off for family and medical leave and paid sick days
- Workplace flexibility to allow families to plan their work lives and their family lives

- High-quality and affordable childcare so that breadwinners can concentrate on work at work
- Freedom from discrimination based on family responsibilities

The last section of our report forges our analysis of work-life conflicts among the poor, professionals, and the missing middle into a new approach to work-family policy and politics designed to bridge the differences between these three income groups.

Specifically, we offer an understanding of work-family conflict that will help progressives to build a successful coalition to address the needs of all American families. This report is designed to persuade policymakers and the American people that sky-high levels of work-life conflict reflect not just a personal problem, but also a failure of public policy to provide for all Americans. As presented in the Center for American Progress’s “Our Working Nation,” the agenda includes:⁴¹

- Updating basic labor standards to account for the fact that most workers also have family responsibilities by establishing the right to paid sick days, instituting predictable and flexible workplace schedules, and ensuring that workers have access to paid family and medical leave
- Improving basic fairness in our workplace by ending discrimination against all workers, including pregnant women and caregivers
- Providing direct support to working families with childcare and elder care needs
- Improving our knowledge about family responsive workplace policies by collecting national data on work/life policies offered by employers and analyzing the effectiveness of existing state and local policies.

For this to happen, though, progressives need to build a strong coalition that can appeal to the poor, the professionals, and the missing middle with their different work-life conflicts.

Above all, progressives need to explain how the family-friendly policies Americans need to enable them both to care for and support their families are needed by American families at all income levels—even if their needs differ. In the pages that follow, we will describe in detail what these differences are. And then we will show how smart progressive policies backed by effective political coalition building can make these reforms happen.

The poor

“I compromised my, my integrity or my, you know, self-worth to bring a paycheck home for my kids... I’m sure I compromised. [long pause] I’m trying to think how to put this... I think I’ve compromised my kids, on not a real high level, but more than one time, and taken them to day cares that maybe they shouldn’t have been at... You know, because I had to go to work.”⁴²

Low-income families struggle with exceptionally high levels of work-family conflict. Women without high school degrees who report higher levels of work-family conflict than do college graduates.⁴³ Levels of work-life conflict are high because low-income families tend to have more responsibilities for the care of their family members. The reasons? They are less able to pay others to do so and are more likely to have a family member who is ill.

Poor families do not earn anywhere near enough income to hire quality care for children, elders, or family members who are ill. Although low-income families worked more in 2008 than they did 30 years ago, our data shows that incomes have not kept pace.⁴⁴ The median family income for low-income families in 1979 was \$26,709, compared to \$19,011 today, in 2008 dollars—a decline of nearly 29 percent. This is attributable to lower employment among men in married-couple families and the shift towards single-female headed households, as well as the decline in real earnings for men.

Work-family conflict is acute in low-income families in large part because they often have a higher load of family caregiving. Low-income families are more likely to be caring for a family member who is ill. One study found that nearly one-third, or 32 percent, of welfare-to-work mothers are caring for children with chronic illnesses.⁴⁵

Another study found that more than two-thirds of the low-wage parents interviewed were caring for a child with either a chronic health condition or a learning disability.⁴⁶ Poor families tend to have more, and more serious, health problems than do more affluent families—that’s one reason they are poor.⁴⁷

Low-income families also are much more likely to be providing care for elders because they do not have the resources to pay someone else to do so. McGill University professor Jody Heymann and her colleagues found that families living under the official poverty threshold—\$17,346 in 2008 for a single parent with two children—are more than

twice as likely to provide more than 30 hours of unpaid assistance a week to parents or parents-in-law.⁴⁸

Yet they carry on. While many adults in low-income families are not employed or not employed full time, many are. We see low-wage workers every day. Some of the most commonly held jobs include retail sales, janitorial and cleaning work, providing care for children or elders, or in restaurants.⁴⁹ Other low-wage workers are data entry clerks, receptionists, and some factory workers.⁵⁰

A common image is that low-wage working parents are irresponsible or lacking a work ethic.⁵¹ Yet many are highly competent adults who find themselves struggling with workplaces designed for workers who are always available for work—yet can be sent home at a moment’s notice. These unreasonable expectations have little basis in the realities of people’s lives.

Like higher-paid workers, low-income employees care about the damage that work-family conflict does to their career trajectories, but they face additional burdens. They have far less on-the-job flexibility and far fewer resources to purchase adequate care for their kids, parents, or grandparents. A toxic combination of unstable schedules and unstable access to childcare leads to a pattern of serial quitting.⁵² Listen to Kenya, a retail worker, who explains that “[d]on’t too many people get fired a lot. Basically . . . most of ‘em leave because the schedule doesn’t work around their schedule.”⁵³

So who exactly are the employees Kenya describes in this telling quote? Our analysis defines a low-income family as in the bottom third of U.S. income distribution.⁵⁴ These families’ median income is \$19,011 as of the end of 2008, the last year for which complete data are available. The average family income was lower—\$17,969—which means that families below the median tend to have very low incomes and are very likely to be below the poverty threshold for their family type. In 2008, the poverty threshold for a two-parent family with two children was \$21,834, which is above the median income for our low-income group.

Our data confirm some stereotypes about families living in or just above poverty, but challenge others. As noted before, two-thirds, or 66 percent, of low-income families have no children under 18 living with them—which contradicts the popular image of poor families chock full of kids. Yet the stereotype that low-income parents tend to be single is true: two-thirds, or 66 percent, are.

Still, that means that roughly one-third of low-income families with children are married couples, a fact that is not reflected in the relevant studies of these families, which tend to focus high-exclusively on single mothers—thereby reinforcing stereotypes. The reader would do well to remember that the bulk of this chapter, which is drawn from existing qualitative studies, dramatically underrepresent two-parent families.

Aquo con cus.
Aborendi dolupta
velibus nectorum
demos sequo tem
quatur audis volliti
ut dolorundit esti
occabor endunt.

As noted before, our data also reveal that more than a quarter of married fathers in poor families work part-time or are unemployed. This no doubt fuels resentment in some middle-income families in which both parents work full time. Yet poverty advocates point to the contraction of U.S. manufacturing jobs that made the middle class dream accessible to high school graduates in the 1950s and 1960s. As these jobs left the United States, the primary breadwinners of formerly working-class families faced unemployment, or were reduced to begging for part-time hours at McDonald's alongside the working poor.⁵⁵

Another volatile source of class anger, also noted above, is that in low-income families 6 in 10 married mothers are out of the labor force. Yet, as we shall see, often poor mothers are out of work because they lack viable—or even safe—childcare options, or because they have lost their jobs due to workplace inflexibility. The decline in union membership, which limits workers' ability to address workplace issues, may help explain why married women leave work.⁵⁶ But, just as importantly, being a married couple with a nonworking wife pushes families down the income scale—more so than in the past—due to the now-widespread employment of mothers.

On the family side: Fragile patchworks of care

Workers need to come to work. Families need care. Yet in workplaces designed for yesterday's workforce, frustration emerges on all sides. One study of low-wage workers quotes a manager in Milwaukee who linked “irresponsibility” to “‘massive absenteeism,’ because of family.” He says that “usually it’s linked to other irresponsible type behavior, even though that’s not irresponsible, obviously you’re being responsible to take care of your kids.”⁵⁷

Note the manager's confusion over whether his employees were responsible or irresponsible. When work and family conflict, the heartbreak is that being a responsible worker can mean being an irresponsible parent, and vice versa. Workplace rules designed for the 1960s lead not only to the costly continual training of replacement workers,⁵⁸ but also lead to managerial confusion over whether employees facing work-family conflict are behaving responsibly or irresponsibly.

The full scope of this problem is well illustrated by the case of Emily, a white divorced mother of two in Boston, who described her weekly routine to Lisa Dodson, a Boston College sociologist, for Dodson's *The Moral Underground: How Ordinary People Subvert an Unfair Economy*. (See side box)

Note that Emily is divorced. While we tend to think of low-income mothers as never married, many once were. Divorce rates for families in the bottom 25 percent of family income are twice as high as for those in the top 25 percent.⁵⁹ Divorce tends to leave women with children poorer than when they were married, because mothers typically have custody and child support awards are low, and often not fully paid.⁶⁰ Single mothers also are less

Trying to hold it together

Emily, a divorced single mother, patches together a different afterschool arrangement every day for her children Flora, 9, and Teddy, 7. On Monday after school, a neighbor walks them, along with the neighbor's own daughter, to a youth center two blocks from their school. At 5:00, she comes and walks the children home. Flora, who has a key to their home, is in charge until Emily gets home, between 6:30 and 7:30 p.m.

On Tuesday, Emily's sister takes an "early day" from work. She picks up her baby from the sitter, and then takes the bus to pick up her niece and nephew. They go to their aunt's apartment and watch TV and eat popcorn; their aunt's paycheck doesn't allow her to feed two extra mouths dinner. Emily picks up the kids around 7:30 p.m. They take the bus home, and eat around 8:30 p.m.

On Wednesday, the kids walk two blocks to a bus stop so they can take a bus to their paternal grandmother's house. A second-grade teacher walks with them when she can, and one of the bus drivers keeps an eye on the kids if he gets assigned that shift. Their grandmother cannot descend the steps to meet them because of the ulcerations on her feet caused by diabetes. When Flora couldn't work her key one afternoon, the kids shouted up to their grandma until a passerby finally helped them get in. Their grandmother "was so scared he might have been a crazy or something," Flora recalls.

On Thursday, no one is available to help. Teddy and Flora sit in the school for as long as they can, in the gym or outside the main office, "trying to look like they have business there." Then they go out to the playground. Rain or shine, they typically have an hour to wait. If it is raining, they have identified the doorway with the deepest overhang and they stand there. Flora has found a place on the playground where Teddy, if he needs to, can pee.

On Friday, Emily has an early day. Almost always she can make it to their school by the time classes end. "If they took Friday I would quit," Emily says of her employer's early end of the week. "I don't like them without someone right there on Fridays," she says of her kids, because they "live for that... That's our pizza day."⁶¹

Emily's is one of the families Boston College professor Lisa Dodson interviewed in Boston, New York, Milwaukee, Denver, and many smaller towns around the country. Many had arrangements as "complex and contingent as a Rube Goldberg machine," to quote University of California, Berkeley sociologist Barrie Thorne.⁶² In all, Emily relied on nine different adults to get through the week without a hitch. And on kids not getting sick, which is unlikely. After all, infants visit the doctor an average of four to six times a year, and two- to four-year-olds go to the doctor an average of four times a year. These numbers are much higher for children with special needs.⁶³ If Flora or Teddy became sick, Emily's carefully crafted arrangements would fall apart.

likely to be employed at jobs that come with health insurance. As a consequence, single mothers often find themselves with only slightly more than half their prior income.⁶⁴

Low-income parents often describe no two weekdays as having the same childcare routine and many families struggle each week with "gaps" in care.⁶⁵ As a result, one study found that 30 percent of low-income workers disrupted their work schedules to meet family needs in a single week.⁶⁶ This places both workers and their employers in an impossible situation because of persistent turnover and absenteeism. Nearly one out of every two low-wage parents interviewed in one study had been sanctioned at work due to family care responsibilities. Some were fired; others lost wages; others were denied promotions or received verbal or written warnings.⁶⁷



Recall the nine adults Emily relied on to get through a week of work. Or consider Vicki, a mother of an infant and an older child. Here is Vicki's patchwork of care: She takes her kids to a babysitter two days a week. A friend cares for her kids on Saturdays and Vicki's boyfriend cares for them on Sundays. The other two days, her neighbor's daughters babysit the older child for free while Vicki takes the baby to the restaurant where she works. During her five-hour shift, a coworker "would sit with the baby while Vicki was out on the restaurant floor. When the restaurant became busy, the coworker would join Vicki on the floor and Vicki would barricade the baby into a corner of the kitchen with boxes, to play on her own until business slowed again."⁶⁸

Rachel Dominique, left, arrive to pick up her son Tarek Toussaint, 3, from Educare Early Childhood Center in New York, Tuesday June 8, 2004. Parents like Dominique may have to find other options for childcare if daycare workers and teachers strike on Wednesday. (AP Photo/Bebeto Matthews)

Affording childcare

Many low-income parents prefer informal childcare arrangements for a series of reasons.⁶⁹ The simplest is that it's a lot cheaper. Our analysis found that low-income families often spend significant sums on childcare when they are forced to pay for it. For center-based care, or childcare that occurs in a childcare center, the average cost paid by a low-income family for a child under age 6 was \$63 a week. For in-home childcare, offered by someone in her own home, the cost runs a bit higher, at an average of \$68 a week.

In another study, 58 percent of low-income families paid \$50 or less a week for childcare, while 22 percent paid \$50 to \$100 a week.⁷⁰ These sums strain family budgets. Of the poor single mothers who pay for childcare, nearly one-third spend half or more of their total income.⁷¹ Our analysis found that the typical low-income family using center-based childcare for young children spent 14 percent of their total monthly family income on that care, the same as those using in-home care center.

Consequently, many low-income families try to patch together childcare they don't have to pay for. In one study of poor working families with children, 60 percent of the families participating in the study reported they did not pay for childcare.⁷² One strategy for controlling costs is to rely on relatives for childcare, an approach that also appeals to many families who are reluctant to leave their children with nonfamily members.⁷³

Many relatives are in fact paid. In part because of the lack of subsidies for this type of care, the average out-of-pocket cost for relative care is not that much lower than for family or center-based care: \$61 a week. Yet relative care still may have economic advantages. Consider Rosa, who notes that her partner's mother cares for her 2-year-old not only because she charged less but because "when things are tight she says it's okay if I don't pay her."⁷⁴

Government policies to help low-income families with childcare through subsidies are neither high enough nor stable enough to allow parents job stability. Child-care vouchers for welfare-to-work mothers average \$2 an hour.⁷⁵ While the total amount of federal money for childcare doubled between 1991 and 2000, fewer than one in four eligible children receive any subsidy at all.⁷⁶ Most important, families who have subsidies typically receive them only briefly, for average periods of from three to seven months.⁷⁷

Or sometimes, the subsidies just aren't available. In 2008, 17 states had childcare subsidy waiting lists of up to more than 25,000 children, and other states had simply frozen intake.⁷⁸ Our analysis shows that, among low-income parents, 30.3 percent, who use center-based care, 15.5 percent who use an in-home care center, and 3.7 percent who handle childcare through relatives for a child under age 6 report receiving a government subsidy to help pay for it.

Kith and kin care

To fill the gap, many low-income mothers stay home full time. Although mothers in two-parent households are particularly likely to be out of the labor force, many single mothers are, too. Presumably, they survive by living with relatives or boyfriends, or by relying on income received from TANF, although this is not a viable long-term strategy, given the federal five-year lifetime limit on receiving TANF and the shorter state-level time limits around the country.

Staying out of the labor force makes perfect sense for low-income mothers, given that their wages are so low. After paying for childcare and other expenses associated with working, they may have very little left over. Our analysis shows that low-income families are more likely than are other families to rely on parental childcare for children under age 6: 26 percent of poor families do so, as compared with 20 percent of middle-income families and 14 percent of professional ones.

Although two-thirds of poor families with children are headed by a single parent, one-third are not. Poor families headed by a couple are more likely to tag team than are any other group of Americans—about twice as likely as are high-income couples.⁷⁹ A detailed description of tag teaming shows that this is a hard way to live. (See side box)

Tag teaming also means that if one parent is ordered to work overtime, the family has to choose between mom's job and dad's job. Yet these couples need both jobs to pay their bills. Where one parent cannot stay home full time, low-income parents often turn to relatives. Indeed, care by relatives is the most common form of childcare. Relatives provide childcare in one out of three families, or 33.8 percent, as shown in Figure 4.

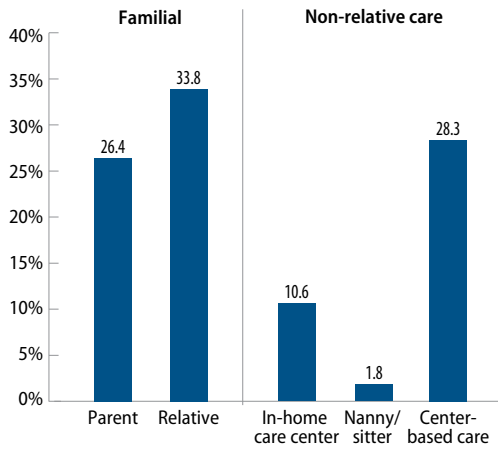
WORK-LIFE SNAP SHOT

Tag-team childcare

Tag teaming in low-income families often creates serious strain. Beth Shulman, in *The Betrayal of Work: How Low-Wage Jobs Fail 30 Million Americans*, reports on a tag-team family with three children—ages 9, 2-and-a-half, and 18 months—in which the husband is a day laborer and the wife is a janitor. “By the time Manuel comes home from work, I have left for work,” says Flor. “When I get home around 11:30 p.m., Manuel is asleep. The next morning at 5:00 a.m. when Manuel leaves for work, I am asleep. It doesn’t give us much time together.”⁸⁰ Not surprisingly, tag-team parents divorce at three to six times the national rate.⁸¹

FIGURE 4
Balancing acts

Kind of childcare used by low-income families



Source: Heather Boushey and Ben Zipperer's analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

Informal kith and kin childcare arrangements, such as those involving relatives and friends, tend to break down more often than center-based care.⁸² One study found that 30 percent of low-income workers disrupted their work schedules to meet family needs in a single week.⁸³ Another study found that nearly half of all the low-wage parents interviewed had been sanctioned at work due to family care responsibilities. Some were fired; others lost wages; others were denied promotions or received verbal or written warnings.⁸⁴ Vicki, the restaurant worker described above, lost her free babysitting when she had a falling out with the mother of the teenage girls providing it.⁸⁵

In addition, kith and kin care often comes with the expectation of “fairly balanced exchange[s] of equivalencies.”⁸⁶ Failure to abide by unspoken rules can result in losing your childcare. In the 1970s, when welfare mothers were not required to get jobs, single mothers relied on a network of reciprocal relationships to swap caregiving as well as direct financial aid. These networks may have frayed in recent years, as both time and money have become scarcer and every mother is expected to have a full-time job.⁸⁷ Even when networks are functioning, a strained relationship can mean losing your job or your babysitter (which also often means losing your job).

Childcare is not only an issue only for women and men of childbearing age. The fastest-growing household type is grandparents being the primary guardian for their grandchildren. Indeed, grandparents are the primary guardian for 30 percent to 50 percent of children under 18 in some inner cities.⁸⁸

Grandparents also are a major source of childcare for working parents. Nearly 20 percent of working mothers with young children use the children’s grandparents for childcare.⁸⁹ Single mothers, many of whom earn low wages, are much more likely to rely on grandparents than married mothers.⁹⁰ Professors Jill M. Weigt and Catherine Richards Solomon of California State University describe one such relationship: Amber, the mother of a preschooler who worked as a cook and lived with her mother who provided free childcare. (See side box)

Many grandmothers tag team with their daughters.⁹¹ One-third of the grandmothers who provide care for their grandchildren are employed, so they often end up in the same position single mothers are in—at risk of losing their jobs.⁹² One study found that 8 percent of grandparents had to stop working, and 40 percent had missed work, or come in late or left suddenly because of their caregiving responsibilities.

Grandparents often ease parents’ work-family conflicts, but eventually they may need care themselves. Recall that one study showed that low-income families are more than twice as likely as higher-income families to provide more than 30 hours of unpaid assistance

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Relying on grandma

“For a year Amber’s mother provided free childcare for Amber’s daughter, although Amber confided that she was not satisfied with the quality of this care,” say Jill M. Weigt and Catherine Richards Solomon in their study published in 2008 in the journal *Gender, Work and Organizations*. Amber’s mother limited her own job mobility and potential by taking work that fit with her granddaughter’s hours, although it paid \$7.00 an hour—and then cared for Amber’s daughter 30 hours to 38 hours a week while working full time.

Amber was grateful, but apprehensive, Weigt and Solomon note. When Amber was a child, her stepfather sexually abused his daughters and behaved inappropriately toward Amber. Amber remained very angry with her mother for not leaving, and described her relationship with her mother as “unhealthy.”⁹³

As Amber’s story highlights, it is important not to romanticize kith and kin care. In affluent families, these arrangements may reflect families’ true preferences based on what they see as in the best interests of the children. This is not necessarily true in less affluent families, who often have no alternative but to rely on kith and kin with whom, if they had true choice, they would prefer to have a more circumscribed relationship.



a week to parents or parents in law—and that fully 20 percent of poor families do so.⁹⁴ Fully 57 percent of workers providing elder care say they have had to go to work late, leave early, or take time off during the day to provide care.⁹⁵ Recent polling by the Rockefeller Foundation and TIME Inc. found that 27 percent of women and 18 percent of men reported that there was an occasion when they needed to take time off work to care for an ailing elder but they were unable to do so.⁹⁶

Many single mothers find themselves propelled toward having one of their older children care for a slightly younger one. Low-income families are far more likely than other families to rely on care provided by another child.⁹⁷ Betty Jones, a low-income single mother who worked as a hospital custodian in Oakland, told Professor Barrie Thorne of University of California, Berkeley that she could not afford to fix her car when it broke down, so her 11-year-old, Tyrone, got himself and his younger sister to school on a city bus. After school, Tyrone picked his sister up, walked with her an Oakland city bus stop, and together they took an hour-long bus ride—which included a transfer—to his grandmother’s house to San Leandro. The grandmother took the kids to her evening job as an office building custodian, and brought them home when she got off work at 10:00 or 11:00 p.m. This schedule, not surprisingly, left everyone exhausted.⁹⁸ Alas, this kind of arrangement is also typical. (See side box)

Loretta Simonson, 72, of Colorado Springs, Colo., sits with her grandchildren Ronnie Simonson, 10, left, and Emily Simonson, 5, right, Wednesday, May 17, 2006 at the library in Woodland Park, Colo. Simonson, who still works as a consultant on parliamentary procedures, believes the best thing she and other grandparents can do is set a good example for their grandkids. She worries that her four grandchildren, ages 5 to 15, are bombarded with media messages to buy, buy, buy. (AP Photo/Tom Kimmell)

WORK-LIFE SNAP SHOT

Sibling childcare

Adolescent daughters often are expected to care for their younger siblings, even when this jeopardizes their social lives, afterschool activities, or school itself, notes Professor Susan Clampet-Lundquist of St. Joseph's University and her co-authors in a 2004 article. One case in point, she says, is Tina, a single mother in Philadelphia, who relies on ninth grader Tamara to get her younger siblings to school.

Because the Head Start bus driver is often late, Tamara often arrives late to her first class. Says Tina: "And what the school says to me is they're gonna, they gotta do what they, that's their policy. She's gotta stay after school, do her detention...or she's lose her credit...So she feels sad and I, I feel bad because I gotta be at work at 7:00."⁹⁹

Although our data do not show it, the qualitative literature documents that many low-income families handle childcare through such informal exchanges. Vicki, the restaurant worker described above, lost her free babysitting when she had a falling out with the mother of the teenage girls providing it.¹⁰⁰ As this example shows, the expectation of a "fairly balanced exchanges of equivalencies"¹⁰¹ is common for kith and kin care.

When kith and kin are ambivalent about providing care, low childcare quality and/or instability arise. Here's a story told by Professor Susan Clampet-Lundquist of St. Joseph's University and her co-authors. Alice, a mother of three in Cleveland, left her infant with the baby's father while she worked 60 hours a week at a pizza parlor. After a few months, she recognized developmental delays, and discovered that the baby had been left with a "friend" while the father "ran the streets." At eight months old, the baby was malnourished and not sitting up yet. Says Alice, "[s]he lacked malnourishment (sic). She lacked attention. She lacked someone to talk to, play with. You get her up and soon as I stopped working, within a month the girl was sitting up, starting to crawl...You know what I'm saying? That scared me a lot."¹⁰²

If they are able, some low-income mothers ultimately conclude that center-based care is the only way they can be sure of getting to work consistently. Professor Julia R. Henly of the University of Chicago and Sandra Lyons, a senior research associate at the University of Washington, tell the story of Lorraine, who had seven childcare providers during the 15 months she held one job. "Once my husband's sister changed her mind," Lorraine recalls. "Then my husband's grandmother changed her mind. Then I hired a girl who was stealing out of my house. Then I had them in [a day care] where I couldn't afford it. It was \$800 a month. Then I hired a girl but then she got a job. Oh, and my ex-husband's mother kept them for awhile, about three weeks."

Lorraine had finally managed to enroll her three children in a subsidized childcare center. “I know when I get up in the morning that they’ll be open,” she said with relief.¹⁰³

Center-based care

About one-fourth under the age of 6, or 28 percent, of children in low-income families are in center-based care, as shown in Figure 4.¹⁰⁴ Yet without subsidies, the high cost of these centers puts them out of reach for most poor families. One urban single mother “found that there were significant differences in care across centers and that the better-quality care cost more than she could afford.” She explained, “I loved the childcare center [my daughter] was in last year. It was like you know your child was going to learn. I’m sorry I took [her] out. I wish I could have found a way to pay. But \$675 a month. . .that’s more than my rent or anything, so I could not do it.”¹⁰⁵

Low-income parents also may be frozen out of afterschool programs that provide care for older kids. Betty Jones, the hospital custodian in Oakland mentioned earlier, said she “wanted to send her kids to the afterschool program, but she found the fees exorbitant; her income was more than used up by basics like food, rent, and utilities.”¹⁰⁶

In-home care centers

Our data show that 11 percent of low-income families use an in-home care center for their children under age 6, where a woman (yes, it is typically a woman) cares for others’ children in her home for pay.¹⁰⁷ In-home centers, which typically are unregulated, often are neighbors who care for their own children as well as taking in other children for pay.

Whites typically—85 percent of the time—provide in-home care as an extension of their desire to stay home with their own children. Blacks give more diverse reasons. About half attribute their decision to their desire to give stay home with their children, while another half, or 48 percent, cite their desire to give back to the community.¹⁰⁸ Some evidence exists that low-income African-American women prefer in-home care centers to larger childcare centers because they want their children to be with people like themselves; center-care staff typically are professionals, and are more likely to be white than the caregivers in the in-home centers they choose.¹⁰⁹

Home alone

In families below the poverty level, 7.5 percent of children aged 5 to 8 and nearly 14 percent of children aged 9 to 11 are latchkey kids.¹¹⁰ These children are often home alone in dangerous neighborhoods. More than half—55 percent—of families below the poverty line live in neighborhoods that parents report are a bad influence.¹¹¹

Home-based child care worker Jennie Rivera holds 5-month-old Erick while helping Christian, 1, at her apartment, Thursday, Nov. 1, 2007 in New York. New York is one of 11 states where workers like Rivera — not day-care center employees or nannies but child-care providers working out of their own homes — are permitted to unionize. Organizers argue improving conditions for these poorly paid workers will translate into better child care options for working parents (AP Photo/Mary Altaffer)

Many latchkey kids are forbidden to go outside, which means they remain isolated in their apartments in the afternoons and often all summer long. A recent U.S. Census Bureau study found that one-third of black and Latino children—and more than 20 percent of all children—are kept indoors because they live in dangerous neighborhoods.¹¹²



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Childcare quality

Unfortunately, much of the childcare used by low-wage workers is of poor quality.¹¹³ Kimberly, a 27-year-old mother of three children who works at a fast food restaurant, described to Mona Basta, a professor at the State University of New York, Binghamton, a former day care. “There’s times my dad would actually pick him up from day care and he would have vomit down his clothes,” Kimberly says of her son. “He had diaper rashes so bad that, oh my God, it looked like somebody actually stabbed him with a knife. That’s how deep and disgusting them blisters were on my son.”¹¹⁴

Ariana, a 24-year-old welfare-to-work mother, tells an even more troubling tale. She needed childcare for her three-month-old so she

could attend a job-training course. So she left him with a neighbor who watched five children in exchange for their mothers’ childcare vouchers. Then one day Ariana came home early, and heard “crying all the way up” as she climbed the stairs:

“I got there and she wasn’t there. There was five children lying around in their pissy diapers, crying, hungry, dirty. I waited forty-five minutes before she came back.” Ariana, and two neighbors who used the same provider, dropped out of the job training program that day. “Do they want me to make it or don’t they? No self-respecting woman leaves her child in danger. Not even if they say you have to.”¹¹⁵

On the work side: Rigid jobs with unstable schedules

“[She] may not be a woman of means, but she is a woman of substance,” explained William A. Babiskin, a labor arbitrator, in *State of New York, Rochester Psychiatric Center*.¹¹⁶ “She does not hold a high-paying job. She would probably be better off financially if she chose to stay home, watch her kids, and go on the dole. However, instead of becoming a public charge, she has chosen to make a public contribution. It is her efforts to be a good parent that have created her problems at work.”¹¹⁷

This mental health aide worked for nine years for the New York State Psychiatric Center. The single mother of two, she had a history of attendance problems related to childcare but otherwise had a strong performance record. Because the center was understaffed, aides were expected to work mandatory overtime two or three times a month. If workers refused overtime, they remained at the top of the list until they took it.

This is why, after the aide refused overtime because her babysitter had a day job and could not stay, she was ordered to work overtime five days later. She asked if the supervisor knew anyone who could babysit her children overnight at such short notice. The supervisor, while sympathetic, did not. Then the aide said she would be happy to work if she could bring her children in and have them sleep in an empty room: “If I have to stay, my kids have to stay here.” She was fired.¹¹⁸

Lucky for her, she was unionized. Her union “grieved”—labor-union speak for challenging an employer’s action—the employer as lacking “just cause.” The arbitrator, quoted above, ordered the employer to give the aide her job back. He ordered the aide to identify three days a month, 30 days in advance, on which she had made childcare arrangements, and could work overtime.

A nonunionized worker most likely would just have quit if not fired. Recall Kenya, the retail worker quoted above, who says most people just quit when their work schedule conflicts with family needs. Kenya adds that mothers “come in with the intention that ... [their supervisors are] going to work with their schedule. And when they get in, it’s not that same intention.”¹¹⁹

There are many ways in which employers are inflexible when it comes to work schedules for low-income workers. Each of them delivers its own special conflict in the lives of the poor. Let’s examine a range of these employment practices.

The impact of mandatory overtime

Many employers place a high premium on constant availability: 94 percent of managers in one study of the retail industry say they try to hire sales associates with maximum availability. Nearly 80 percent said they give more hours to such associates.¹²⁰



Masison Square Garden custodian Argentina Bruce cleans between the seats Thursday, Aug. 26, 2004 in preparation for next week's Republican National Convention. (AP Photo/Bebeto Matthews)

WORK-LIFE SNAP SHOT

Fighting company hours

In the arbitration *Tenneco Packaging Burlington Container Plant*, a janitor who was the divorced mother of a 17-year-old son with the mentality of an 18-month-old child failed to report for work one Saturday in August because her caregiver's own child was sick. She had been working 60-hour weeks, including every Saturday except one for the prior four months, which had led to attendance problems. The day her caregiver's son was sick, the worker called in twice and left a message telling her employer she could not work.¹²¹

When she returned on Monday, her request for a vacation day was denied, and she was fired after 27 years on the job. Labor arbitrator Frederick P. Kessler reinstated her, saying:

*"The Company had been scheduling six-day work weeks for an extended period of time. This heavy work schedule was likely to have a substantial impact on any single parent employees, and would have a particularly heavy impact on an employee with a child in need of permanent care and assistance. [The worker] had legitimate reasons for missing two of the 23 Saturdays when she had been scheduled to work overtime."*¹²³

Kessler added that "the demands of a regular six-day work week would be a strain on a caregiver," especially given the "ten-hour days. Under such circumstances, it is not surprising that there would be problems in persuading the caregiver to regularly work on the weekends, as well as long days, with some regularity even if her child had not become ill."¹²⁵ The worker was ordered reinstated with full back pay—although most nonunion workers would have been fired without appeal.¹²⁴

"We hire to be flexible," said one human resource manager; the other five HR managers participating in the study agreed that an applicant's willingness to work odd hours or shifts was highly important.¹²⁵ Wal-Mart, for example, used sophisticated computer tracking to create just-in-time schedules that mean a lack of predictability for workers.¹²⁶ At Wal-Mart, employees lack a union, so they take the company's hours or no hours. At unionized companies, workers may have greater control over hours and overtime. (See side box)

Starbucks also now boasts "optimal scheduling" for its employees, though optimal means what's best for Starbucks, not its employees. Any Starbucks employee who wants full-time hours must be available to work 70 percent of their store's hours of operation. In an average store, this comes to more than 80 hours a week, which makes it impossible for those wanting full-time work to plan other activities, like attending school, let alone planning for childcare.¹²⁷

So mothers at these and many other retail stores or other low-income jobs have a choice. Either they are open about their scheduling limitations, and don't get the job or the hours, or they hide their limitations and then—when their childcare breaks down or an elder has a health crisis—they quit.

Because the aide in the New York was unionized, she probably had health insurance. This may have been why the employer staffed extra hours through overtime. When health insurance benefits account for 30 percent of a worker's salary, employers often find it cheaper to pay the time-and-a-half overtime rate instead of hiring additional employees to work the extra hours.

Most low-wage jobs, however, do not provide health insurance. In 2005, less than half of workers below the poverty line—which was just over \$17,000 a year for a single-parent family with two children in 2008—were offered employer-sponsored health insurance.¹²⁸ Even fewer low-wage workers actually *have* health insurance. Many cannot afford the premiums and turnover among low-wage workers is so high that many who are theoretically eligible for benefits never qualify because they leave before completing the required waiting period.¹²⁹ Nearly one-third of single parents, and one in four workers with less than a high-school education, leave their jobs after less than a year.¹³⁰

Asocial hours

The scheduling practices that create high rates of turnover stem in part from the rise in what the Europeans call asocial hours—hours that occur in what traditionally has been family time. Forty percent of low-wage workers work nonstandard hours—defined as anything other than 9:00 to 5:00, five days per week.¹³¹ Single mothers earning less than \$20,000 are twice as likely as other workers to have nonstandard hours, and have the highest rate of nonstandard hours of all U.S. workers.¹³²

At least one spouse in the United States works a nonstandard schedule in 68 percent of couples who earn less than \$50,000.¹³³ And almost 30 percent of all Americans report having schedules with variable start and stop times, with 10 percent reporting schedules that fluctuate so much that they cannot provide a typical weekly work schedule.¹³⁴

Part-time work provides even worse asocial hours. Some low-income workers choose to address the care needs of their family by working part time, but these jobs are much more likely than full-time work to have nonstandard schedules.¹³⁵ Some employers have responded to globalization by turning what were once full-time jobs with benefits into part-time and temporary jobs without benefits in order to save labor costs. One employment law firm predicts that as much as 25 percent of the U.S. workforce will be made up of temporary workers, contractors, or other project-based labor by 2010.¹³⁶ The shift to “contingent work,” often with low wages and no benefits, increases the number of low-income families who have to take more than one job to survive.

These two trends mean that work often intrudes into family time. Arranging childcare becomes a thorny problem because most primary and secondary schools still run 9:00 to 3:00, and most center-based childcare still runs 9:00 to 6:00 and offers only full-time slots. Women who work nonstandard hours are significantly more likely—50 percent of women—to rely on relative care as their sole form of childcare than women who work standard schedules—29 percent of women.¹³⁷

But when a relative is unavailable, workers often must find an in-home care provider who is willing to have a child at non-standard hours. Alexis, for example, is a single mother of three who works the 4:30 a.m. to 3:00 p.m. shift at a distribution center. She begins her day by driving her 10-month-old son Daniel to an in-home day care provider. When she arrives, Daniel gets into bed with the caregiver and they both go back to sleep. Later, Alexis's two older sons wake themselves, make themselves breakfast, and get to school by themselves.¹³⁸

Alexis is “lucky” that the end of her work schedule coincides with the end of her youngest son's family care and her other sons' school schedules. But many other full-time and part-time workers with kids must deal with unstable schedules that make it hard, or impossible, to make childcare plans at all.

Unstable schedules

“Just-in-time scheduling” means that some retail establishments decide how much staff to schedule this week based on how many customers were in the store during the same hours the week prior. Many more employers give workers only a few days notice of what hours they are required to work the following week.¹³⁹ When asked her schedule, one cashier interviewed by Julia R. Henly, H. Luke Shaefer, and Elaine Waxman for their 2006 study in the *Social Science Review*, replied, “Everything is different and open. Nothing is consistent.” Said another, “It changes. Ah, you never know from which week you're gonna get.”¹⁴⁰ In this kind of workplace, shifts are routinely extended if business is brisk or if work is not completed by the end of a shift. (See side box)

Even where schedules do not change from week to week, a slight change in hours can mean losing your job. Ninety-seven percent of the low-wage workers who participated in one study could not adjust their work schedules.¹⁴¹ If their schedule changed in a way that did not fit their school schedule, or their child or elder care situation, they had to quit.¹⁴²

A larger study found that nearly 70 percent of low-wage workers cannot change their starting and stopping times.¹⁴³ Providing workers with even minor flexibility in starting and stopping times produces sharply reduces attrition rates.¹⁴⁴ Low-income workers who have flexibility are 30 percent less likely to leave their employer within two years than are those who have none.¹⁴⁵

WORK-LIFE SNAP SHOT

A work schedule from hell

Julia R. Henly and Elaine Waxman of the University of Chicago and H. Luke Shaefer of the University of Michigan, in their 2006 study in the *Social Service Review*, interviewed Aneya about her part-time work for a discount retailer. “At nights, we’d have to stay late and clean up the store and they schedule you to 11:00, and I feel that if they schedule you to a certain time, you, I mean, I would say, I won’t have no problem with [staying late] but after two, three hours go past... that, I think that’s too much because I have a child to go home to, and so does everybody else.”¹⁴⁶

The same employer, says the authors, routinely sent workers home or called them not to report for work if there was less work than anticipated. Francesca, one sales associate, told the study co-authors that “I came all the way down here and... [t]hen you tell me to turn around and go back home? I don’t have the money to be wasting like that!”¹⁴⁷

Keep in mind that many low-wage workers do not have cars, and spend an hour or more commuting by buses that are often late. Just-in-time scheduling makes arranging child-care virtually impossible, and virtually guarantees that many children will be home alone. It also therefore guarantees high turnover.

Edith Escobedo waits in El Paso, Texas, for a bus to her home in Ciudad Juarez, Mexico, on Dec. 23, 2008. For the eight hours she spends at work in El Paso, she says, she is safe from the violence ripping apart Juarez. (Michael Stravato/The New York Times) 14038085



Rigid no-fault systems

Exacerbating the challenges faced by low-wage workers is that being a few minutes late can get them fired. Many employers have “no fault” policies in which any absence, regardless of the reason, accrues “points,” also called “occurrences”. Employees who pass a threshold number of points are fired. These systems, when rigidly applied, often result in the firing of single mothers.

Karen, a 25-year-old mother of three working for a book binding company, told Alfred A. Young, then a graduate student at the University of Michigan:

“[T]hey give you eight occurrences a year. If you’re late one minute, it don’t matter. So you got eight per year and even if say your child got sick. I worked mid-nights. If your child got sick at 4:00 in the afternoon and you was in the emergency room till 11:30 and you brought in this note, it don’t matter. It still counts against you. . .and so, you know, it comes to a point in time where you gotta say, okay, it’s either this job or my kids.”¹⁴⁸

Or consider Lalease, a single mother separated from her abusive partner, who was fired for calling in absent when her babysitter showed up drunk. Because her emergency didn’t involve a doctor’s note, she got “double points” which pushed her over the no fault limit, she explained to Young.¹⁴⁹

No fault systems’ design means that family emergencies can lead to job sanctions, or even job loss. A 2002 report by Lisa Dodson, Tiffany Manuel, and Ellen Bravo reported that a Boston security guard earning \$7.00 an hour was fired when she was called into her 10-year-old son’s school because he had been in a fight. She told her supervisor she would miss a day of work. The supervisor reversed the firing, but the worker was suspended for a week without pay.¹⁵⁰

Lack of sick days and family and medical leave

Seventy-one percent of low-income workers lack sick days that can be used for the care of family members who are ill.¹⁵¹ If a family member has a serious illness, leave may be mandated under the Family and Medical Leave Act of 1993, but low-wage workers are less likely than higher wage workers to be covered by FMLA because they are more likely to:

- Change jobs before they’ve been employed for a full year to qualify under the law
- Work for small employers—firms with fewer than 50 employees are exempt from the law¹⁵²
- Work part time—a worker must put in 1,250 hours per year, an average of just over 24 hours per week, to qualify¹⁵³

As a consequence of having neither paid sick days—for short-duration illnesses such as the flu—nor family and medical leave—for when a worker needs extended time off, such as to recover from major surgery or care for a seriously ill family member—many low-

income workers get fired or quit when their kids get sick. A young mother in Denver told researchers how she lost her job, which she sorely needed, when her child's chicken pox lasted more than three days. Her employer allowed for no exceptions from a three-day sick days policy.¹⁵⁴

No fault systems, combined with lack of sick days that can be used to care for ill family members, send many children to school sick. Lalease, introduced above, had been commuting an hour-and-a-half on two buses to work at a big-box store in an outlying area. Her schedule changed often, sometimes without prior notice. She received limited benefits, even though she often was scheduled to work 40 hours a week, because, officially, she was part time—this is common practice.¹⁵⁵ When her children got sick, Lalease explained, “if my dad's not home, they usually have to stay home alone or go to school sick. I write notes to the teacher asking if they can put their head down and get extra homework to make up for not participating in class. I don't have a lot of choices.”¹⁵⁶

Flexibility comes, if at all, chiefly from supervisors

One study found that flexible scheduling is available to less than one-third of working parents with incomes less than \$28,000.¹⁵⁷ To gain flexibility, low-wage workers typically are dependent on their supervisors. Listen to Maria, whose supervisor helped her switch her hours from evening to day so that she could pick up her son from a day care center at 5:30 p.m. She told Jill M. Weigt and Catherine Richards Solomon:

“My manager, she's real cool about everything. You know, you just have to tell her what you need and whatever, and she's always, you know, she respects a lot of us, you know? But she's always like, ‘You know your family comes first. You have to take care of them first.’”¹⁵⁸

And listen to Kim, a cocktail waitress with two young children, who works until the early hours of the morning four, sometimes, five nights a week, then, after only a few hours' sleep, takes her older child to school and cares for her younger child during the day. She was grateful to her employer:

“I couldn't ask for anyone better as far as, I mean, that's why I'm still there. I have no medical benefits, I have no paid vacations, I have no sick days or anything like that. But there's not too many jobs out there that are so lenient either... I could call up and say, ‘John, I'm just, I'm just exhausted. I'm going to be an hour late.’ ‘OK, well just don't crash on your way here... he's great. And he's done the kid thing you know, and he's older. I mean, he understands. He's really good.’”¹⁵⁹

One large focus group in Boston describes a supervisor in a security guard company who looks the other way when mothers bring children into work in the evening. A new manager had recently announced a “no kids on the premises rule.” The entire evening

shift quit.¹⁶⁰ The former supervisor was “no prince,” says a grandmother who had taken her four-year-old to the job, “but he knew this was like a job benefit. Why else would you take that little money?”¹⁶¹ The same researchers spoke with mothers and fathers who bring children to work, unbeknownst to their employers.¹⁶²

Low-wage parents’ ability to keep a job is dependent on the goodwill not only of kith and kin but also of their supervisors.

Aquo con cus.
Aborendi dolupta
velibus nectorum
dempos sequo tem
quatur audis volliti
ut dolorundit esti
occabor endunt.

Caregiver discrimination against low-wage workers

Employment discrimination against workers with family responsibilities occurs across the U.S. income spectrum, but discrimination against low-wage workers often is shockingly overt, and often appears as pregnancy discrimination. Calls to the Center for WorkLife Law’s Hotline for Family Caregivers reveal the lengths low-wage employers will go to “get rid of” pregnant workers. One caller reported being forced to undergo monthly “drug tests” that, upon further investigation, appear to have been pregnancy tests, because only women were required to take them. Another caller in a low-wage job was fired when she became pregnant; her boss offered to hire her back if she had an abortion.¹⁶³

Reported lawsuits involving low-wage workers also highlight pregnancy discrimination. In one case, a hotel customer service worker was fired after her manager told her that the hotel kitchen was “no place for a pregnant woman to be,” and told others that pregnant women did not belong in the restaurant or hotel business, where “it didn’t look good” to have a pregnant woman at the front desk.¹⁶⁴ In another, a bartender was demoted to server after she became pregnant; her manager said she assumed that she “could not keep up.” A supervisor told her that “the first time any sign of that pregnancy shows through” she would be “done.” She was fired nine days later.¹⁶⁵

Several cases involving low-wage workers also reveal supervisors’ assumptions that mothers should stay home with their children. A receptionist was told that it “wasn’t the best time” for her to have a second baby, was “advise[d]” by her employer “to not have a baby at [this] time,” and when fired while pregnant was told “maybe it’s best if [you are] at home.”¹⁶⁶ An administrative assistant at a painting company was subjected to comments throughout her pregnancy by her supervisor that her pregnancy was an “inconvenience” for her coworkers and that she wouldn’t want to return to work once the baby was born.¹⁶⁷

Employers’ biases often reflect what social scientists call “role incongruity”—the assumption that you cannot be both a good mother and a good worker. Role incongruity appears regardless at all social strata, yet employers may feel more entitled to express or act upon it when the workers involved are lower-income women. One could hardly imagine a supervisor telling a lawyer or a doctor who just announced her pregnancy to get an abortion or she would lose her job

Multiple jobs

Poor families' wages sometimes are so low that they need more than one job to pay the bills. Roughly 15 percent of low-wage workers hold more than one part-time job in order to support themselves, although overall, only about 5 percent of workers in the United States work multiple jobs.¹⁶⁸ Many low-wage workers take on two or more jobs because they cannot get sufficient hours at any single job.

Nicole is emblematic of the consequences for low-income families. She supports her two sons by working two full-time jobs at two different Boston nursing homes, commuting, on three different buses, for a total of five hours of travel a day. Nicole returns exhausted, sometimes crawling into bed with her 5-year-old, Stephen, who tries to stay awake for her because he wants to talk about his day. "I fall asleep sometimes while he's talking," she told Dodson, "I feel bad about it." Nicole also feels bad about her absence from her sons' lives. "Sometimes I might see just see them a few hours in two weeks," she laments.¹⁶⁹

Like many such women, Nicole has one anchor job, which she is determined to keep because it offers some benefits and, she likes it best—if it paid enough, it would be her only employment. At the other job, which she chose because it was on a bus line, she takes liberties. Nicole has her 17-year-old, Leonard, bring his little brother to this second job, and meets them secretly in the break room. She tells Leonard that Stephen needs to see her because he is so young, but in reality Stephen quickly falls asleep on the old plastic sofa. "Really, it's Leon I want to get there, to see if he is ... keeping himself in the way he should, he's going to school and all. He's a man now—you know how that is—so he shouldn't be needing me, but I told him he's got to do what's right for" his little brother. So Nicole and Leon sit in the break room, talking about he is doing in school, and about the social problems he is having. Nicole is worried his grades will drop and that he will lose his ambition to go to college. "They need to know that, you know, to know that someone is watching," she said. Nicole calmly told Dodson she would be fired if her employer finds out "I had my boys here." She assumes this will happen eventually.¹⁷⁰

This is the face of work-family conflict among the poor.

The missing middle

“When I was a young bus driver and my children were very small (ages 4, 2, and 1), I worked the late shift and my wife went to school during the day. We couldn’t afford child-care, and this way one of us was always home. One day in the middle of winter, I was scheduled to work at 4:00 p.m. The babysitter didn’t show up or call to say she wasn’t coming. I had to bundle up the kids and take them to work. They had to ride my bus with me. After about two hours I was lucky enough to see my wife studying in a coffee shop, so I stopped the bus and ran in and handed her the kids.”

—John Goldstein, past president, Milwaukee Labor Council¹⁷¹

Hundreds of studies describe the lives of the poor and professionals, while the middle is—well—missing. We rarely read about the man who comes to fix your TiVo or install your cable, married to the woman who takes your mammogram or manages the floor at Macy’s. The middle also includes public sector jobs, such as police, firefighters, and folks who renew your driver’s license at the DMV, blue-collar jobs, such as construction, factory work, and medical technicians, pink-collar jobs, such as receptionists, administrative assistants, and office managers, and routine white-collar jobs, such as book-keepers and middle managers. This group includes families typically termed “working class” and “middle class.”¹⁷² We have avoided both terms as confusing. (See side box)

A sense of loss

Families in the middle have seen a sharp decline in their standard of living since 1973, fueled by wage losses suffered by men. When the first oil shocks hit in the early 1970s, it was common for a high school graduate to have a unionized blue-collar job that allowed him to provide his family with the basics of middle-class life (car, house, major appliances) with only intermittent part-time work by his wife.¹⁷³ Thus Baby Boom men grew up with a very specific image of what to expect from life.

Thereafter, income growth stalled. After more than doubling between 1947 and 1973, median family income increased only 22 percent between 1973 and 2007 in inflation-adjusted terms.¹⁷⁴



Dell employee Barrie Kutlik works in the computer assembly area at the new Dell plant in Winston-Salem, N.C., Friday, Sept. 23, 2005. Dell's largest U.S. plant is a tangible symbol of recent efforts to transform North Carolina's economic base from old-line industries like tobacco, textiles and furniture into high-tech ventures such as computers and biotechnology. The new plant officially opens Oct. 5. (AP Photo/Gerry Broome)

WORK-LIFE SNAP SHOT

Different names for the middle

Middle-income Americans see themselves differently depending on where they are in the middle, just as the poor and the professionals see middle Americans depending on their own income perspective. Factory workers typically see themselves as middle class, and see a corporate lawyer as rich. But the lawyer sees himself as an upper-middle class professional, and the factory worker as something else—lower-middle class or working class.

Similarly, factory workers see those without their (once) well paying middle-class jobs as poor, but many low-income workers see themselves as lower-middle class and the factory workers as upper-middle class. We felt it important in this report not to take sides in the name game. We put professionals and managers into one category and middle-income families in another. A family is “professional-managerial” if they have income that puts them in the top 20 percent of all families and someone in the family has a college degree—13 percent of all families in 2008. The rest—53 percent of all families in 2008—are in the middle.

Americans in the middle typically are high school graduates with at least a few years of college. A few have college degrees: nurses and teachers, with sharply lower pay rates than in traditionally masculine professions

such as doctors, lawyers, and engineers. Our data shows that about a third of those in the middle—28 percent—had college degrees in 2008, compared to 82 percent of those in the professional-managerial class.

At least until the Great Recession, most Americans in the middle had stable jobs and owned their own homes. In sharp contrast to managers and professionals, middle-income Americans have rigid, highly supervised jobs in which they lack the kinds of flexibility most professionals take for granted: to adjust their starting and stopping times or take a senior to the doctor, to coach soccer, or take Jane to ballet. With a few highly cherished exceptions—truck drivers, traveling sales staff—workers in the middle are expected to be on the job during working hours. Like the poor, many are one sick child away from being fired.

Our analysis places a family in the middle if their income is above the bottom third and below the top 20 percent—\$35,000 and \$110,000 (at the 90th percentile)—or if the family income puts them in the top 20 percent of income, but no one in the family is a college graduate, which accounts for just over 12 percent of these families. Although we are using income as a proxy, the focus is on the kinds of cultural differences that define different class cultures.

And that slower growth is *in spite of* the large uptick in women entering the workforce, which all else being equal should have led to much faster growth in family incomes. Rising women's employment, however, coincided with sharp declines in male wages. The real wages of men with high school degrees fell sharply from 1973 through the mid-1990s, then recovered somewhat, but were still 11 percent lower in 2007 than they were in 1973.¹⁷⁵ Wages in the "good" jobs also stalled. Technicians' earnings, which climbed \$15,000 in the 30 years before 1979, rose only \$2,000 in the 18 years thereafter. Wages of police, fire and other protective workers rose \$13,000 during the earlier period, but only \$1,000 in the next two decades.¹⁷⁶

While higher-paid workers saw their wages rise faster than inflation, those in the middle—at least if they were men—did not. Wages for the median male worker were three cents lower in 2007 than they had been in 1973, after taking inflation into account. This is stunning given that productivity—the amount of "stuff" workers produce per hour—grew by 83 percent over the same time period.¹⁷⁷ On top of this, male workers saw a 17.3 percent point drop in the share of workers with employer-provided health insurance between 1979 and 2006, alongside steep declines in the share with a defined-benefit pension, which pays a set amount of money each month of a worker's retirement. These changes meant that middle-income men lacked the economic safety net their families enjoyed while they were growing up.¹⁷⁸

Middle-income families achieved the "family wage"—a wage level that would allow a single breadwinner to support a wife and children—in the two short generations following World War II. They then lost it after 1970. Many baby-boom men who grew up on an escalator to solid middle-class lives now find themselves unable to support their families with a middle class standard of living.

And around the same time, mothers in the middle began to enter the workforce in droves.¹⁷⁹ Women whose mothers had worked only intermittently and part time now find themselves doing laundry at 10:00 p.m., and then waking up at 5:00 a.m. to make breakfast and lunches, get the older kids off to school and babies to childcare, only to rush to jobs where they could be fired for being a few minutes late—and then they rush back to childcare, where they are charged \$1 for each minute they are late.

This inability to sustain the traditional breadwinner-homemaker split may be a source of regret for men and women alike.¹⁸⁰ "What happens when your kid gets sick?" asked a 28-year-old office worker during an interview with Lillian Rubin for her 1994 *Families on the Fault Line*. "Or your babysitter's kids get sick? I lost two jobs in a row because my kids kept getting sick and I couldn't go to work. Or else I couldn't take my little one to the babysitter because her kids were sick. They finally fired me for absenteeism. I really don't blame them, but it felt terrible anyway. It's such a hassle, I sometimes think I'd be glad to just stay home."¹⁸¹

Working hard to create a decent life

In this context, we can see the political implications when mothers in the middle see that low-income mothers are three times (60 percent) more likely to be at home full time than they are (23 percent), according to our analysis. Low-income married couples are more than twice as likely to have a full-time father and a stay-at-home mother (40 percent) as are middle-income couples (15 percent). This may vex families in the middle, both for practical and symbolic reasons, given that the ability to keep a wife at home has been the traditional marker of a family's transition from working to middle class since the late 18th century.

Not only do families in the middle see low-income mothers at home full time. They see many low-income fathers working not at all or only part time. To policy analysts this signals the disappearance of work, and consequent social problems.¹⁸² But what Joe and Jane Lunchpail see is that they are both working full time, with one in four, or 26.2 percent, of the Joes working 50-plus hours a week,¹⁸³ while the hard-earned money they pay in taxes seems to go to support people who are not working.

WORK-LIFE SNAP SHOT

Running hard just to stay in place

Janice Ramos is a married, 30-year-old registered nurse who lives in a home she owns with her husband, a technician, and two children, an 8-year-old son and a 14-month-old baby. She works the night shift so she can be home with her kids during the day. Her husband, whose shift starts at 9:00 a.m., gets the children up and fed and takes the baby to a neighbor's and the older child to school. Janice arrives home at 8:30 a.m., after they have already left. She sleeps for five hours, then picks up the baby and meets her son at the bus stop around 3:00 p.m. She spends a few hours helping with homework and playing with baby, and then goes to sleep when husband returns from work around 5:00 p.m. She sleeps until 9:00 p.m., when she leaves to arrive at the hospital at 10:00 p.m.¹⁸⁴

To University of Connecticut's Professor Anita Garey, Janice seemed articulate but with "a flatness in her voice, a lack of intonation and a strain that conveyed long-term fatigue."¹⁸⁵ Indeed, exhaustion is a common theme of life in the middle. "My daughter always wants to do things with me, but I'm too exhausted," explained a San Francisco bus driver, the mother of a teenager, to Blanche Grosswald, then a graduate student at UC Berkeley and now a professor at Rutgers University. "When I'd come home from work, I didn't feel like being bothered," said another working mother. "You come home and you're totally drained. At first [when I got the job] my kids, they were excited. But then they avoided me. Because I would snap at them, holler."¹⁸⁶

In this Nov. 23, 2009 photo, Aja Holmes, right, studies for her online college classes at The University of Phoenix alongside her daughter Ania in Raleigh, N.C. Students aren't the only ones benefiting from the billions of new dollars Washington is spending on college aid for the poor. An Associated Press analysis shows surging proportions of both low-income students and the recently boosted government money that follows them are ending up at for-profit schools, from local career colleges to giant publicly traded chains such as the University of Phoenix, Kaplan and DeVry. (AP Photo/Jim R. Bounds)



Further fuel for the fire: nearly 60 percent of mothers in the middle work full time or more, but only 42 percent of low-income mothers do. Both parents work full time or more in more than half, or 51 percent, of all middle-income families as compared with only 15 percent of poor ones. The percentage of full-time work is slightly higher in professional-managerial families —57 percent—but they can do all kinds of things to make life more workable. They can eat lunch out, go to a restaurant, or pick up prepared food at nearby supermarkets for dinner. They can have the dry cleaners iron the shirts, and hire someone to clean the house. They can send the kids to a succession of camps in the summer rather than having them home alone unsupervised, watching TV or worse. And commute times are often longer for middle-income families: the houses they can afford, in many metropolitan areas, are in distant suburbs. If one had to choose a single word to describe life in the middle, it might well be exhaustion. (See side box)

Aquo con cus.
Aborendi dolupta
velibus nectorum
dempos sequo tem
quatur audis volliti
ut dolorundit esti
occabor endunt.

These families are ineligible for childcare subsidies. Our analysis shows that roughly one-third of low-income families, or 30.3 percent, get them for center-based care for a young child. While policy analysts know that subsidies for poor families are scarce and sporadic—and that poor families end up spending a higher proportion of their incomes on childcare even after subsidies—what middle-income families see is that they work hard—harder than their parents did—and have less to show for it. And that government programs offer little to hardworking families like themselves. This fuels the anger of lunch pail liberals turned Palin conservatives.¹⁸⁷

The high incidence of single motherhood among low-income workers has also a particularly unsettling resonance to Americans in the middle. Many middle-income families have friends or relatives who have fallen into poverty through hard living amid a life of drinking and drugs, or had children very young, or fell in with the wrong crowd. A kid who strays lacks the kind of safety nets—and second chances—available to the children of managers and professionals. “Their safety net is their bank account,” an administrative assistant noted wryly of “rich kids”—her term—who engage in risky behavior.¹⁸⁸

Settled middle-income families feel they have done everything right. They finished high school. They waited until they were married to have children. They got and kept steady jobs they may find stifling. They “hung in there,” as they would say.¹⁸⁹ These families pride themselves on order and self-regulation, on “keeping your nose clean.”¹⁹⁰ Settled middle-income whites typically have a harshly judgmental attitude toward hard living and welfare dependency—much more than so same-class blacks.¹⁹¹

These solid middle-income families are rarely studied, but the surveys that do exist, of unionized workers, report acute work-family conflict: two-thirds of unionized fathers say they are unhappy with the amount of time they dedicate to their children. Half the mothers agree.¹⁹² Nearly one-third of unionized employees surveyed—men as well as women—say that their biggest work-related concern is not having enough time for family and personal life.¹⁹³ Local union presidents representing 75,000 workers say they believe

work-family conflict is as bad or worse than five years ago—and these surveys were conducted before the lay-offs and benefits losses of the Great Recession.¹⁹⁴

Occasionally these issues come to a head, as when a group of women had their babysitters drop their children off at the factory where they worked.

“When the security guards saw the children, they were dumbfounded, and when the women were confronted by their managers, they said, “I would be put in prison and my children would be taken away from me if I leave them home alone. I cannot do that. You told me to stay, so they’re going to come here.”¹⁹⁵

Americans in the middle have more power than the poor—particularly if they are unionized—but they too often face no-win work-family conflicts. But because few studies of these families exist, our analysis relies largely on the union arbitration database of the Center for WorkLife Law at the University of California, Hastings College of the Law. These arbitrations give a vivid picture of life in the middle.

A word of background: arbitrations arise when a union “grieves,” or challenges, the disciplining or discharge of a worker as not justified by “just cause,” which is required in virtually all union contracts. Arbitrators have the right to reverse an employer’s disciplinary decision if that decision is judged to lack “just cause.” These arbitrations—and the existing academic literature—tend to focus on the “working class,” with less attention paid to other middle-income families. Anecdotal evidence abounds that the political divide between unionized middle-income households and non-union families in the middle is deep, even though both groups of families struggle with the same kinds of work-life conflicts. Clearly, more research is needed.

A final note: The reader will see that many more men appear in stories in this section of our report than have appeared before. In part this reflects the prevalence of single-mother families among the poor. In part it flags the distortions in the existing academic and policy literature on work-life conflict. Studies of poverty, typically focused on welfare-to-work women, dramatically over-represent single mothers and families of color, and dramatically under-represent whites, divorced fathers and low-income married families. Existing studies also dramatically over-represent situations involving the care of young children, and dramatically under-represent situations involving the care of ill family members, older children, and elders.

WorkLife Law’s database avoids these problems, yet our reliance on union arbitration records has its own limitations. The workers described in this section are the lucky ones. Without unions, most would have lost their jobs, whereas, in most cases, arbitrators reduced their discipline and/or reinstated them. Yet only 12.4 percent of the American workforce is unionized—only 7.6 percent if we only include private-sector workers.¹⁹⁶ So when reading about how the arbitrators handled these cases, remember that the vast majority of non-unionized middle-income families are more vulnerable to job loss, or job sanctions, than the workers described here. (See side box)

What a family crisis looks like

Blue-collar, pink-collar, and routine white-collar workers are less likely to have unstable shifts than are low-wage workers. But unlike professionals, middle-income jobs typically have rigid, highly supervised schedules under which workers can be fired for being a few minutes late. Inflexible schedules often work in lethal combination with so called “no fault” discipline systems, which give workers points for absenteeism regardless of the cause unless the situation is covered by work rules, employers’ exceptions, or a union contract. A worker who garners enough points is first disciplined and then fired—regardless of the reasons for the absences in question.

Toia Jones holds her 5-month-old son James as she supervises her daughters Aisha, 6, and Kiara, 9, right, while they do their homework in their home in Bolingbrook, Ill., Feb. 15, 2006. Jones, a school teacher of 12 years, says she is concerned that a loophole in the No Child Left Behind Act is enabling states and schools to avoid taking concrete measures to eliminate an “achievement gap” between white and minority students. (AP Photo/Stacie Freudenberg)

No fault absentee policies are an accepted practice. But troubling situations arise when a worker is punished for doing what any responsible family member would do. For example, at Kauf Fiber Glass, a packer was fired when she left work in response to a call that her daughter was in the emergency room with a head injury. Said the highly respected arbitrator Roger Abrams, who overturned her dismissal:

“It is fundamentally unfair to discharge an employee for leaving work because she was informed that her four-year-old daughter had fallen, was injured, and was being taken



to the Emergency Room. Fair-minded people would not disagree that she was compelled to leave work. She had no real choice in the matter. When [she] left work on December 3, she was not continuing her pattern of regular absenteeism. She could not have prevented the occurrence or rescheduled the accident. That event was not the type of absenteeism which indicates that [she] cannot fulfill reasonable attendance requirements.”²⁰⁰

A UPS package delivery driver was not so lucky. He was fired for “theft of time” when he took off an extra hour and 15 minutes on two different days, without telling his supervisors, in order to help his wife who was sick with a serious breast infection while also taking care of an infant and a sick toddler. His wife had quit her job when she went into early labor, and he was working 50 to 60 hours a week to earn extra income, sometimes returning to work either just eight hours between shifts with “[b]arely enough time to sleep or recuperate.” Then his wife came down with a breast infection and a temperature of 104. She was overwhelmed trying to care for her sick toddler and a newborn. Said her husband during arbitration proceedings:

“I was getting by on 2-3 hours of sleep a day. I didn’t know whether I was coming or going. [I went] home and spen[t] my lunch and breaks there to make sure every one at home was okay. But I lost track of time. My intention was [to be] there for my family but not to steal time, as I was accused of.”²⁰¹

WORK-LIFE SNAP SHOT

A poisonous combination of old-fashioned workplaces and new family responsibilities

“Vinnie Caritino and his wife, Donna, were high school sweethearts and have been married for just over a year,” explains Maureen Perry-Jenkins, a professor at the University of Massachusetts at Amherst, who interviewed the couple for a 2005 study. “Both have lived in their hometown of Springfield, Massachusetts their entire lives. Vinnie works full time at a paper-making plant in town, and Donna is an express mail delivery worker.”

“Vinnie works rotating shifts that alternate between 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m., and 11:00 p.m. to 7:00 a.m. every two weeks. Donna works a 6:00 a.m. to 2:00 p.m. shift. Both make more than the current state minimum wage of \$6.75 an hour; Vinnie’s hourly rate is \$8.75 for his 7:00 to 3:00 shift and \$9.50 for noonday shifts. Donna makes a flat \$10.00 an hour. Their combined gross family income is \$38,729. After taxes, they bring home about \$28,275 yearly or about \$543 per week. They rent a small ranch house, have two cars (‘one on its last legs,’ according to Donna), and by their own account ‘are making it.’ The most exciting news for the Caritanos is they are expecting their first child in fewer than two months.”¹⁹⁷

The loss of one income would place the Caritanos near or below the poverty line—families in the middle typically need both parents’ incomes.¹⁹⁸ Their workplaces do not reflect this reality. After the Caritanos had their first child, Donna pieced together a 10-week leave using sick, vacation, and personal time. Two days before she was scheduled to return to work, having finally found childcare arrangements to meet her prematernity schedule, her shift was changed to the 11:00 a.m. to 7:00 p.m. shift. As she explained to Perry-Jenkins, “Well as you can imagine I burst into tears, it was hard enough going back in the first place, but 11-7, how was I going to manage that? I was ready to quit but what could I do? We needed the job.”

Then her employer turned down her request that she be allowed to return to the office to pump her breast milk. So every day at 3:00, Donna parked her truck at the side of the road and pumped. Over her first year back on the job, Donna got three warnings about attendance. When she spoke with researchers, she worried she would soon be fired.¹⁹⁹

He pleaded for understanding, pointing to his two years of service:

“I’ve always given the best of my ability to get the job done. Taking away my job from me has put my family in a financial hardship. I cannot survive with having two babies. And my wife being out of work. I deeply regret for what I’ve done, but I need my job back.”²⁰²

He lost his job.

Employers do their businesses no good when they insist that employees facing a family crisis come to work. A quality control technician was required to report for work despite the fact that the hospital had instructed him that his wife, who had just had a miscarriage, should not be alone for the first 24 hours. The technician, who had 15 years of seniority, became rattled when he called home and his wife did not answer the phone. He was fired after he failed to properly inspect carton seals but signed inspection forms saying he had done so.²⁰³

Many arbitrations involved families whose children have serious illnesses, including the father of a severely handicapped son,²⁰⁴ the stepfather of a young man paralyzed as the result of a gunshot wound,²⁰⁵ a male train operator with a diabetic son,²⁰⁶ a male rental car shuttle driver whose son had a “serious heart condition,”²⁰⁷ a child who needed a ventilator in order to breathe,²⁰⁸ a child with special needs,²⁰⁹ and five families whose children threatened or attempted suicide.²¹⁰

Sometimes we get more detail. A press operator at the *Chicago Tribune*, who was the primary caregiver for her mother, came to work late because she was up until midnight monitoring her mother’s blood pressure, which was dangerously out of control. She returned home to find that her 1-year-old was having trouble sleeping, and fell asleep rocking the child in a rocking chair. When she overslept the following morning—and arrived 20 minutes late—she was fired.²¹¹ Another arbitration involved a 14-year employee on probation for absenteeism who was fired when he failed to report to work because his pregnant wife, who subsequently died of a brain hemorrhage, broke the phone in a fit of rage, and he decided he could not leave his children alone with her.²¹² These kinds of work-family conflicts are devastatingly common. (See side box)

Day in, day out

Even absent family emergencies, middle-income lives are precariously balanced day. In one arbitration record, the father of a toddler started his warehouse job at 7:00 a.m. in order to be available to pick up his daughter from preschool at 3:00; his wife brought the child to preschool in the mornings. Then the father’s employer tried to change his schedule, and the worker won a grievance challenging his employer’s insistence that he work 9:00 to 5:00.²¹³

Crisis at home, crisis at work

Sometimes union arbitration records reveal the kinds of crises that no family ever wants to experience. In this record, a bus driver was suspended for five days from a company where she had worked for eight years when she missed a day of work because her 17-year-old daughter, who had been taking drugs and had threatened suicide, was discovered in the bathtub in a fetal position and refused to speak. The daughter was taken by ambulance to the hospital, where a psychologist arranged to meet with her mother the following day.

The worker phoned the dispatcher at her job and explained the situation, offering to make up the time on one of her days off. At the dispatcher's request, she submitted her request in writing, but did not "spill her guts" on paper. Her supervisor denied her request, saying she lacked a "real good reason." The mother left anyway, and was suspended.²¹⁴ A worker who is suspended has, in many workplaces, begun a cycle that brings her one step closer to being fired should her family difficulties continue.

In another case, the arbitrator reduced a tag-team father's discharge to a one-month suspension for refusing to take an assignment because he had to pick up his daughter.²¹⁵ Yet another involved a carpenter fired for insubordination when he left work to pick up his children.²¹⁶ In still another,²¹⁷ an airline insisted that a flight attendant fly an extra flight. She was disciplined when she refused because she needed to get home to care for her children so her husband could get to work. Her employer insisted that her job should come first.

The simple fact is that both parents' jobs cannot simultaneously have priority, and that families in the middle typically need both jobs.

Being ordered out of town for training also can present problems. A service clerk for the phone company, who had just had a baby, was ordered on the day she returned from maternity leave to attend a two-week out-of-town training course. Because she was given less than a week's notice, she was unable to get babysitting, and her husband—who also worked for the phone company—was on assignment out of town.²¹⁸

She asked that the class be scheduled when she had sufficient time to arrange babysitting. The supervisor suggested that she start the class several months later; she agreed. Yet a few days later she was informed that attending the training program was a requirement of her job, and that she would be terminated if she did not attend. A few days later, she was given the choice to be demoted to an operator job or fired. The arbitrator held that this was unfair, and she was reinstated.

Mandatory overtime does not mix with tag teaming

In tag-team families, the fragile balance often depends on parents' ability to keep certain shifts, and avoid overtime—unless of course, they need the overtime to pay their bills. A family in which both parents were auto workers provides a good example:

“On a typical day, Maureen got up around 5:00 a.m. She woke her ten-year-old son, Luke, and fed him breakfast before leaving for work at about 6:45 a.m. She drove to the factory in Danny’s car. After getting home between 1:00 a.m. and 3:00 a.m., Danny got up around 8:00 a.m. to see Luke off to school, which was only a few blocks from the house. Then Danny tried to sleep, but he could only sleep if the baby slept. Around 3:00 p.m., Danny strapped the baby into the car seat in Maureen’s minivan and drove to the plant. Maureen waited at the factory gates to take the minivan and the baby home when Danny went to work. Later, Danny found his car where Maureen had parked it that morning. Danny worked from 3:30 p.m. to the end of his shift, but he went home for a lunch break between 7:50 and 8:20 p.m. Maureen went to bed between 9:00 and 10:00 p.m. and Danny got home some time between 1:00 and 3:00 a.m. They followed this schedule six days a week. Danny often worked Sundays, too.”²¹⁹

This schedule depended on Danny and Maureen’s ability to get and hold certain shifts—and Maureen’s ability to refuse overtime.

Arbitration records show that tag teaming and overtime at short notice do not mix. Men as well as women are sanctioned for refusing overtime, which makes sense given that, outside of nursing, overtime is largely a masculine phenomenon.²²⁰ In *Bryant v. Bell Atlantic Maryland*,²²¹ a construction lineman, the single father of two minor children, was fired for refusing overtime. The arbitrator held that the employer lacked just cause to terminate, and “strongly suggested” that Bryant be put into a position that did not require overtime, “or, in the alternative, that Bryant be scheduled for overtime in a manner that would allow him to meet his workplace and childcare obligations.”²²²

In other arbitrations, divorced fathers were disciplined for refusing mandatory overtime that conflicted with the hours they were scheduled to care for their children.²²³ (See side box)

Studies confirm the frustration that results from the combination of overtime at short notice and childcare responsibilities. Emergency medical technicians, nurses’ aides, and nurses, in one study, reported that they typically got “a few hours or less” of notice. A nursing aide complained that “you can be ‘mandated’ and are ‘mandated’ [to work overtime] five minutes before you leave.”²²⁴

Tag-team families and single parents are particularly vulnerable. The classic case is *Tractor Supply Co.*, where a grandfather was fired when he refused to work mandatory overtime because he was tag teaming with his son, who had custody of his grandson.²²⁵ The grandfa-

WORK-LIFE SNAP SHOT

Overtime pressures at work—and at home

Union arbitrations detail the stresses of overtime work. One poignant situation involved a factory worker suspended for insubordination when he left after eight hours of a 12-hour overtime shift.²²⁶ He was an excellent employee who consistently worked overtime when asked to do so. “He accepted overtime whenever the company needed him,” said the arbitrator. “Indeed, his dedication to his work placed him in a situation that may have jeopardized his family responsibilities.”²²⁷

When first ordered to do so, he said he could not work overtime because he was “tired and worn out”—his wife had recently left him, and he had been so upset he had been feeling ill. Later that afternoon, he said he would help out the company, but that he could only stay for eight hours because he had to get home to care for his two children. He stayed on longer, but became “distracted” after receiving a call from his wife, and left after eight hours and 20 minutes. He was suspended for three days.



ther’s employer posted notice of two hours of mandatory overtime the day before it was to be worked, but later took down the overtime notice. By the time the notice was reposted, the worker had left, so he did not find out he was expected to work overtime until the following day. He refused to stay at work past his regular shift.²²⁸ When his supervisor asked why, he replied that it was none of his business. The supervisor ordered the worker to stay, but he left anyway. He was fired for insubordination.²²⁹

In another case, an operating engineer left work to pick up his son and another first-grader from school in a regularly scheduled carpool arrangement after his crew was told to remain at work due to an impending snow storm. Company policy was that employees were excused from overtime if they advised their supervisors of a reasonable excuse prior to the end of their normal workday.²³⁰ Noted the arbitrator, “[i]f Benton’s situation was considered to be a reasonable excuse, then certainly [this worker’s] excuse that he had to pick up his first grade son as well as another first grader from school would also be found to have been a reasonable excuse under the contract.”²³¹

Drug tests can present problems, too, because they often are scheduled after shifts end. Says Robert Molofsky, then-general counsel of the Amalgamated Transit Union, in response to a training by the Center for WorkLife Law.

This April 6, 2009 file photo shows Matthew Amster-Burton cooking a dish called “Ants in a Tree,” with his daughter Iris, 5, at their home in Seattle. Amster-Burton is the author of the book “Hungry Monkey: A Food-Loving Father’s Quest to Raise an Adventurous Eater.” “Ants in a Tree” is a dish where ground pork represents the ants, and white noodles stand in for the twisted branches of a tree. (AP Photo/Ted S. Warren,File)

WORK-LIFE SNAP SHOT

When leaving work results in dismissal

Particularly burdensome are policies that make it impossible for workers to know when they will be able to leave work. In the arbitration *GTE California Inc.*,²³² a single-parent telephone installer was fired when she left work in defiance of a new company policy that workers had to stay until every customer who had called before 3:00 p.m. had been served. Her supervisor's position was that only one person per shift could avoid overtime; if more than one person requested to leave without working overtime, all workers who wanted to avoid overtime had to come to an agreement amongst themselves, or else one would be excused.

The installer was fired for insubordination when she left work after being ordered to stay. Problem was, she had no one else to pick up her child, having already asked her friends, her ex-husband, and even her supervisor's wife to pick up her daughter at day care during the two weeks after the new policy was instituted.²³³ The arbitrator overturned her dismissal, saying:

"I do not know what would have happened to the child if [her mother] had not arrived to pick her up. Chances are that the child would have been cared for. However, it was clear that the [worker] also did not know what would happen to the child, although she did know that she was running the risk of losing day care service. In these circumstances, the [worker] did what I believe any unintimidated parent would have done. She ran the risk of discipline."²³⁴



Parent Esmey Castillo picks up her children, Edgar 7, and Kathy 5, from the the Van Nuys Elementary School in Van Nuys, Calif., Wednesday, Feb. 6, 2008. A masked person with a semiautomatic gun entered an elementary school's office Wednesday morning and then fled when staff called police, officials said. Officers sealed off a two-block area around Van Nuys Elementary School and began a search within the perimeter that continued into the afternoon. (AP Photo/Damian Dovarganes)

"Our members were being fired because they refused to stay for mandatory drug and alcohol tests, which last up to 3 hours. They had no problem taking the tests; the problem was that they were triggered at or near the end of their shifts. And with little or no advance notice they could not stay even as paid overtime, because they had to get home to take care of their kids. While certain limits can be negotiated, these are not common in transit industry contracts and the problem persists."²³⁵

In another arbitration, a mother who had been ordered to submit to a random drug test left work in response to a "frantic" call from her 13-year-old that her 7-year-old had cut his hand

and her older son “couldn’t get the bleeding stopped.” Confusion arose over whether she was expected to return that day, and she was fired.²³⁶ Such cases are common. (See side box)

Childcare is not the only family need that conflicts with unscheduled overtime. So does care for ill spouses. In *Allied Paper*, a plant worker refused a Saturday callback because his wife, who had cancer, was severely depressed, and his water was out. He needed to get to the store to buy a new pump, and refused to leave “a severely sick woman without water, in case of a fire.”²³⁷ He was so concerned about his wife’s cancer and depression that he had previously sacrificed thousands of dollars to avoid overtime that would have left her home alone. Said the arbitrator, “[h]is wife had stood by him in sickness and tragedy, and he was trying to return it. He owed it to her.”²³⁸

Caregiver discrimination

Family responsibilities discrimination shows up in every class context, yet the patterns differ across class. Among low-income women, this kind of discrimination is often triggered when a woman announces her pregnancy at work; women in the middle are more likely to face bias when they return to work after the baby is born. In *Walsh v. National Computer Systems*, a computer sales representative faced a hostile work environment when she returned from maternity leave. Her female supervisor singled her out for intense scrutiny applied to no other sales staff, made comments warning her not to get pregnant again, and complained about her need to take her child to medical appointments. Ultimately, the plaintiff claimed, the supervisor threw a phonebook at her, telling her to find a pediatrician open after hours.²³⁹

Often bias based on motherhood is folded into discrimination against women in historically male jobs. To qualify for promotion to sergeant, for example, a police detective was forced—only two days after returning from leave for a cesarean birth—to run an obstacle course, jump a fence, and pull a 125-pound dummy from a car. Her captain told her, “real cops don’t bleed once a month,” according to *Dailey v. City of Jacksonville*.²⁴⁰

Workers in the middle also encounter discrimination with regard to schedules. Consider this case: An executive secretary for the state Department of Revenue in Illinois had the 7:00 a.m. to 3:00 p.m. flex schedule she had worked for more than 15 years taken away in retaliation for filing a race discrimination complaint. She had worked this schedule to be home when her son, who had Down syndrome, so she could be home when he returned from school.²⁴¹

In blue-collar jobs, case law suggests that working class employers routinely deny light duty assignments to pregnant women—even when they allow men to work light duty for injuries that occur off the job. Several cases in point in court records show that an automotive store worker, a fire department paramedic, and security guards all were denied light

duty for their pregnancies.²⁴² In *Lochren v. Suffolk County*, pregnant policewomen were denied light-duty desk jobs—and also were told that the department had no bulletproof vests to equip them for patrol duty.²⁴³

In contrast, a problem for men in the middle is employer hostility toward men who want to take an active role in family care. A male police patrolman was passed over for promotion to sergeant three times in favor of lower ranking officers because he took the leave he was entitled to under the Family and Medical Leave Act in order to care for his three children. A supervisor chided him, saying, “Congratulations for taking the most time off for having a baby and not actually having the baby.”²⁴⁴

Likewise, a male state trooper was told that his wife would have to be “in a coma or dead” before he could qualify as a primary caregiver under his department’s policy that routinely granted primary caregiver leave to women. His wife was disabled by complications from childbirth and he needed to care for their newborn son.²⁴⁵

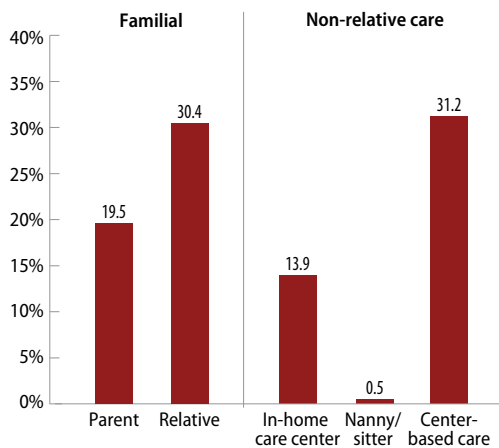
Miserable childcare options

Not only do families in the middle face rigid jobs that make dependable childcare essential. Simultaneously they may well face childcare of poorer quality than is available either to the poor or professionals. “Middle class squeezed out of childcare, preschool” reported a local paper in Walla Walla, Washington, in 2008—before the job losses of Great Recession really hit. More study would show whether this is common across the country.

“It’s definitely a struggle,” agreed Tine Lopez from Child Care Resource and Referral at Walla Walla Community College. “A lot of jobs right now aren’t paying as much, or cutting staffing. Most middle-income parents can’t afford to pay that \$600-a-month daycare bill.”²⁴⁶ (See Figure 5)

FIGURE 5
Coping with childcare in the middle

Kind of childcare used by families in the middle in 2004 for children under age 6



Source: Heather Boushey and Ben Zipperer’s analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

Reliable childcare: expensive and elusive

Families in the middle are less likely than the poor to have to leave their children with reluctant relatives, or with caregivers willing to accept \$2 an hour. Yet the care these families can afford often is lower quality not only compared to that available to the professionals but also compared to that available to the poor. Income eligibility for Head Start, a federal program that provides subsidized high-quality pre-school, is capped at \$17,170 for a family of three—too low a threshold to help middle-income families and many lower-income families.²⁴⁷

Yet high-quality care is unaffordable, ranging from \$4,000 to nearly \$12,000 a year.²⁴⁸ Our analysis finds that middle-class families using formal childcare centers for a child under age 6 pay an average of \$127 per week and those using in-home care center pay \$125 per week, in March 2009 dollars. But, unlike low-income families, virtually no middle-income families receive any government assistance to cover the costs, even though formal or in-home childcare eats up an average of 11 percent of total family income for families in the middle.

Middle income families with a single working parent, or a married couple with both parents working or in school, can receive the Child and Dependent Care Tax Credit, which provides a nonrefundable federal tax credit of up to \$3,000 for one dependent or up to \$6,000 for two or more dependents.²⁴⁹ Because this tax credit is nonrefundable, families who do not owe taxes do not receive the credit. Some families may also be able to use a Flexible Spending Account for Dependent Care if their employer sets it up. This allows families to pay for up to \$5,000 of dependent care with tax-free income.²⁵⁰ Neither policy however, is sufficient to offset more than a small amount of childcare costs.²⁵¹

For families in the middle, child care quality is a real concern. One study found that the “most uniformly poor quality [child] care was found predominantly in middle-class centers” serving families earning \$15,000 to \$40,000 annually—which includes families this report would place both in the poor and the middle. While this is at the low end of our definition of middle-income, it suggests a widespread concern.²⁵² “For most working-class families,” noted Lillian Rubin, “child care is often patched together in ways that leave parents anxious and children in jeopardy.”²⁵³ Rubin describes one such family, in which the oldest—age nine—is home alone after school. The babies—both of them under three—goes to the wife’s mother two days a week:

“But [my mother] works the rest of the time, so the other days we take them to this other woman’s house. It’s the best we can afford, but it’s not great because she keeps too many kids and I know they don’t get good attention. Especially the little one. She’s so clingy when I bring her home; she can’t let go of me, like nobody’s paid her any mind all day.”²⁵⁴

This mother says wistfully she’d like to quit but cannot because they need the money. Situations like hers help explain why even the paltry childcare subsidies offered to the poor can create resentment among middle-income families.

Middle-income families often struggle to arrange both childcare and back-up care, only to see their best-laid plans fall apart. In five out of a sample of 99 arbitrations, workers lost their jobs after they lost their childcare.²⁵⁵ In another arbitration, a steel worker’s regular babysitter was sick, so he rather than his wife took off work because his wife’s employer had a stricter absenteeism policy. He was suspended for 15 days for an unexcused absence.²⁵⁶

While his frankness was unusual, the problem is widespread. In the arbitration *Princeton City School District Board of Education*,²⁵⁷ a teacher requested a personal leave day when her normal day care provider took sick. The teacher had backup plans, but her husband was

out of town, and her mother-in-law was scheduled to work. School officials denied leave in the absence of proof that she had tried to arrange for back-up through a commercial day care center—which she did not do because she knew that local centers (like most centers) did not accept short-notice one-day clients. The arbitrator held that the personal day should have been granted because the teacher had back-up plans—relying on her husband and mother-in-law—that had worked in the past. A nonunionized worker would obviously have been fired or disciplined.

Grandparents giving and needing care

As in low-income families, grandparents are often integrated into the family economy. Recall the grandfather in the case named *Tractor Supply Co.*, who was fired when he left to take care of his 18-month-old grandson.²⁵⁸ In the arbitration *Department of Veterans Affairs Medical Center*, a grandmother was suspended from her job as a nursing assistant when she was unable to work her scheduled shift—3:30 p.m. to midnight—because she was unable to find childcare for her grandkids.²⁵⁹ Then there's the case of the school monitor, who was suspended from work for 20 days—reduced by the arbitrator to 10—when she took more leave than had been authorized to care for her pregnant daughter and granddaughter.²⁶⁰

But at some point, most elders no longer give care; they need it. Middle-income families often are no more able than poor ones to pay for high-quality elder care. Consequently, they are left with struggles more affluent families do not face. In *Simpson v. District of Columbia Office of Human Rights*,²⁶¹ a secretary challenged her employer's insistence that she start work an hour and a half earlier, thereby making it impossible for her to care for her elderly and ailing father before she went to work.

And recall the press operator at the *Chicago Tribune*, who lost her job when she overslept after staying up until midnight monitoring the blood pressure of her mother, for whom she was the primary caregiver.²⁶² The difficulty of finding such stories in the literature on low-income families probably reflects the conventions at work in studies of poverty.

Caring for the chronically ill

Middle-income families—like poor ones—typically cannot afford paid help to care for chronically ill family members. As a result, they face no-win situations. A single mother who worked for the Chicago Transit Authority was fired for tardiness stemming chiefly from her son's Crohn's disease. Each morning she had to unhook her son from his intravenous therapy, bandage him, administer medication, and get him off to school. Then she took two buses to take her toddler to his babysitter, and a third bus to work. When she was late, she often worked through her lunch hour to make up the time. The Transit Authority allowed her to come 30 minutes late, but given the lack of suitable childcare and other social supports, she ultimately lost her job.²⁶³

Aquo con cus.
Aborendi dolupta
velibus nectorum
demos sequo tem
quatur audis volliti
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The stories go on and on in the union arbitration records. A bus driver was fired when she arrived three minutes late because her severely asthmatic son had had an asthma attack.²⁶⁴ Disciplined or fired, too, were a divorced father with custody of an asthmatic son,²⁶⁵ the father of a severely handicapped son,²⁶⁶ the stepfather of a young man paralyzed as the result of a gunshot wound,²⁶⁷ a male train operator with a diabetic son,²⁶⁸ a male rental car shuttle driver whose son had a “serious heart condition,”²⁶⁹ a janitor whose son had severe mental and physical disabilities,²⁷⁰ and five families whose children threatened or attempted suicide.²⁷¹

Many of these workers were ultimately reinstated when their unions challenged the employer’s action, yet only one out of eight Americans is unionized. Among the majority of middle-income Americans who are not unionized, abrupt firings of family members with caregiving responsibilities must be even more common—and in that context, these firings are final. There is no appeal to an arbitrator, nor any inquiry into whether or not the employer had just cause.

The impact of divorce

Although professionals are no more likely to get divorced today than in 1960, divorce rates among Americans without college degrees are high.²⁷² Tag-teaming helps explain why. Increased economic pressures faced by nonprofessional families may fuel divorce rates in other ways as well, given that money is the most common cause of marital disagreements.²⁷³

Family arrangements that worked when a couple was married may not work after they divorce. One divorcing mother who lost her job at a factory that produced night-vision goggles due to a shift change told an arbitrator that she feared the shift change would mean she would lose custody of her children.²⁷⁴ And another arbitration, *Interlake Conveyors*,²⁷⁵ involved a material handler who was fired when he was not allowed to produce documentation that, as the divorced father of an asthmatic son, he needed to stay home because his son was ill.

Then there’s *Suprenant Cable Corp.*, which involved a 22-year employee whose job was in vinyl extrusion. When his stay-at-home wife left him, he was left caring for his four-year-old son. Things got rocky, and social services authorities investigated him for child neglect. They found none, and in fact tried to help him find childcare. But all he could find during the summer were unreliable high school babysitters. Finally he found an approved day care provider, but by that time he had been fired for excessive absenteeism under the employer’s no-fault policy.²⁷⁶

This is the face of work-family conflict in the middle—missing no more.

The professionals

Work-family conflict is remarkably democratic. It affects not only low- and middle-income families but also doctors, lawyers, engineers, accountants, and executives—those upper middle class families whose median income was \$148,000 in 2008. These are not middle-class families: they are the American families by income. They often report being middle class,²⁷⁷ but this is only true when they compare themselves to the top 2 percent, whose median income is \$2 million. Compared to most Americans, the “upper middle class” is rich. We will straightforwardly refer to them as professional families.

Our analysis defines professional families as those in the top 20 percent of family income with at least one adult with a college degree; 13 percent of families are in this group. Marriage is alive and well among this group: 96 percent families with children are headed by married parents, somewhat more than in middle-income families, or 81 percent, and dramatically more than low-income families, only 34 percent of whom have married parents.

Professional families typically receive the most attention from the press, yet the picture painted is highly inaccurate.²⁷⁸ In recent years, much of the press surrounding work-family conflict concentrates on married professional couples, reporting a “new trend”—that wives are leaving careers to embrace more traditional roles. There really was no new trend: one study found that *The New York Times* has been reporting the same “new trend” for more than four decades, culminating in Lisa Belkin’s magazine story, “The Opt Out Revolution,” in 2003.²⁷⁹ Such stories often are accompanied by the assertion that “today only privileged women can afford to stay home.”

Our data in this report dramatize just how misleading this is. Nearly 80 percent both of professional-and middle-income married mothers are employed, and that both groups are about twice as likely to be employed as their low-income counterparts. Much the same pattern emerges among single mothers. More than 95 percent of non-poor single mothers have jobs.

Professional mothers, moreover, work more hours. They are roughly twice as likely as middle-income mothers to work 50-plus hours. In only 20 percent of two-parent professional families does the husband work full-time hours or more while the wife stays home. This is slightly lower than the proportion of breadwinner-homemaker middle-income families, or 23 percent, and dramatically lower than that in poor families, or 47 percent.

Thus the common claims that professional women are flooding back home, and that only rich women can afford to stay home, are stunningly untrue. In fact, parents in professional families are much less likely to be caring for their own children: only 14 percent are, as compared to 20 percent in middle-income parents and 26 percent in poor ones.

And yet the opt-out stories often do contain a kernel of truth, which stems from the labor market patterns of *men rather than women*. Recall that 38 percent of professional men work 50 or more hours a week, as compared with only 23 percent of men in the middle and 9 percent of low-income men. Many of the highest-paying and highest-status professional jobs require very long hours—and, in today’s “winner take all” economy, turning them down can extract a sharp wage penalty.²⁸⁰ One study of “high earners”—defined as the top 6 percent of earners in the United States—reported that over 21 percent had “extreme jobs” that averaged 60 or more hours a week,²⁸¹ a number that grew to 45 percent in a second study of high-earning professionals working for global companies.²⁸²

Here’s the kernel: it’s difficult—and often impossible—for both parents to work such extreme schedules. Our analysis shows that only 6 percent of married professional families do both parents work 50 or more hours a week. Typically fathers do, leaving mothers to pick up the pieces. So the crucial point is not that mothers are *leaving the workforce* but that professional wives find they cannot sustain a highly ramped-up version of “full time.” Only 11 percent of married professional mothers work 50 or more hours a week. Often that bars them from the fast track.

In professional-managerial families, the norm is for both parents to work at least full time: 57 percent do, but in a majority of families, or 54 percent, husbands work longer hours than wives—in an employment context where anyone not working “full time,” which in these jobs typically means very long hours, is pushed off the fast track onto the mommy track. Many professional women don’t cheerfully opt out, they are pushed out by workplaces that define “full time” as a work schedule so time-consuming that, realistically, it requires a traditional stay-at-home wife. These work pressures among professional families deliver up a different set of work-life conflicts. Life is less precarious than in low- and middle-income families but it is no less complicated.

The norm of work devotion and the flexibility stigma

A good pivot for comparing professional men with men in the middle is a study by professors Carla Shows of Daytona State College and Naomi Gerstel of the University of Massachusetts at Amherst, which compares emergency medical technicians with physicians, both predominantly male groups.²⁸³ The EMTs—like most in the middle—had little formal control over their schedules, but they used shift swapping to shape their work around family needs. Swaps were arranged so dads could attend children’s sports, take kids to doctors’ appointments, pick them up from school. The EMTs covered for each other when someone needed to leave a few hours early or arrive a few hours late.

Older EMTs covered for younger ones who still had children at home. One noted that now that his daughter “is older and it’s nice to have that flexibility to give back to other people what was given to you, to be able to do things like that.” The study also found that the EMTs were intimately involved in the daily routines of family life, in part because their wives, who substantially contributed more to the family income and worked more hours than did doctors’ wives, demanded it. The EMTs spoke freely of their involvement in their children’s daily lives. One remarked, “Last year I took three out of my five sick days to stay home when one of the smaller ones was sick. So I’ll use them for that more than anything.” Said another, “I will totally refuse the overtime. Family comes first for me.”²⁸⁴

A very different picture emerged of physicians. They reported an average of 50 hours a week, but in fact they worked much longer. Once researchers included time spent checking work-related e-mails, serving on hospital committees, staying current with the medical literature, and being on call, researchers found that doctors’ workweeks averaged 60 or more hours a week.²⁸⁵ Professional men are much more likely than others to work long hours (See Figure 6), which creates considerable discontent. Eighty percent of men who work more than 50 hours a week would prefer shorter schedules. Only 18 percent of men wanted such long hours.²⁸⁶

Physicians not only worked different schedules than the EMTs, who averaged 45 hours per week. The two groups had different attitudes toward work. The doctors shared what sociologist Mary Blair-Loy of University of California-San Diego calls the “norm of work devotion,” or the belief that professionals should “demonstrate commitment by making work the central focus of their lives” and “manifest a singular ‘devotion to work,’ unencumbered with family responsibilities.”²⁸⁷

“When you work more,” explains one doctor, “you have a big edge in terms of, well, that’s a big badge.” Says another doctor: “It’s a hazing type of thing. It’s not the best way but the ones who work the most are looked up to. You have to work harder than them. That gets respect.”²⁸⁸ Professional men who work long hours tend to report that they experience the most personal growth.²⁸⁹

On the other hand, some specialties in medicine have created more workable solutions for managing work-family conflict, compared to other professions. In primary care, for example, hours are more flexible.

The association of long work hours with privilege is relatively recent. Traditionally, leisure—not work devotion—signaled privilege. That’s now changed. The percentage of professional men who work 50 or more hours a week has risen sharply: only about 25 percent of professional men born before 1935 work long hours, but about 40 percent of men born after 1956 do.²⁹¹ Long work hours are a badge of honor, often seen as the measure of a man. Explains one Silicon Valley engineer:

“Guys try to out-macho each other, but in engineering it’s really perverted because out-machoning someone means being more of a nerd than the other person. It’s not like being a brave firefighter and going up one more flight than your friend. There’s a lot of see how many hours I can work, whether or not you have a kid. He’s a real man; he works 90-hour weeks. He’s a slacker; he works 50 hours a week.”²⁹²

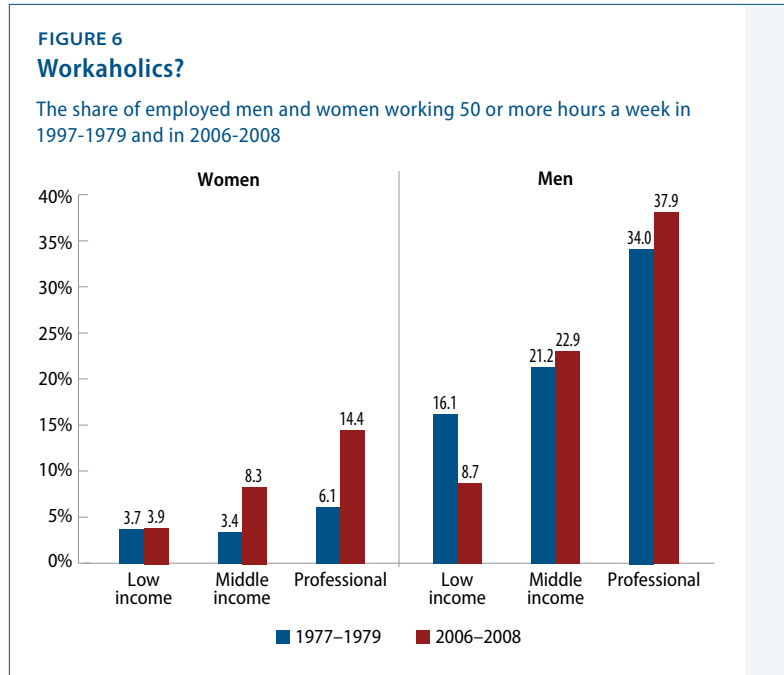
Many elite professionals often face a situation where “excellence and commitment [are measured] not only by productivity and competence but by the number of hours logged—that is part of the politics of time,” concluded a 1999 study of lawyers.²⁹³

Professional men often are less involved in children’s lives than they would like to be. The study of EMTs and doctors contrasted the EMTs, whom researchers saw as very much involved in the routines of daily life, with the doctors, for whom childhood brought up the image of a public performance: the school play, a ballet recital, a soccer game.²⁹⁴ This finding echoes the observations of other studies. UC-Berkeley sociologist Arlie Hochschild noted in 1997 that one professional associated childrearing with going to plays and sports events, but “he knew little about those times when his children were offstage, unable to get started on something, discouraged, confused.”²⁹⁵ Most managers in Hochschild’s study of a large American corporation looked back on their childrearing years with “a kind of mild regret that they had spent so little time with their children.”²⁹⁶

Some of their wives had stronger feelings. Said one, whose husband ultimately was fired: “My husband missed our children’s *birthdays!* He missed their *games!* He missed the father-daughter *banquets!* Didn’t the company get *enough* of his time? Because we saw *nothing* of him!”²⁹⁷

Over 10 years later, the wives in Shows and Gerstel’s study still were unhappy with their husbands’ long hours, but had very little ability to control them. The wives of EMTs, perhaps because they earned a much higher proportion of the family income, exercised a lot more control over their husbands’ hours.²⁹⁸

If men who work long hours wish they worked less, why don’t they do so?²⁹⁹ Many feel, with some justification, that a 40-hour week would be career suicide. This schedule is seen as “part time” in many professional-managerial jobs, and tends to spell a less-prestigious and less upwardly-mobile career path.



Source: Heather Boushey and Jeff Chapman’s analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database] (Minneapolis: Minnesota Population Center [producer and distributor], 2009).

Moreover, a recent study showed that the financial rewards for working long hours increased substantially between 1979 and 2006. During a period when the real earnings of men who worked 40 hours per week remained essentially constant, the earnings of men who worked long hours shot up.³⁰⁰ The long-hours premium is particularly apparent in job categories with the largest earnings inequality within a given group.³⁰¹ In other words, hours have spiraled up as men strive to ensure they don't end up as "losers."

Flexibility stigma

Why don't professionals who want to reduce their hours use one of the many work-life programs that offer "flexibility" through reduced hours and flexible work arrangements? Researchers have documented that these "part-time" professionals may be seen as "time deviants"³⁰² who face what has been called the "flexibility stigma." Promotions vanish, as does superstar status. Lawyers who reduce their hours find themselves consigned to inside offices, given rote assignments, left out of key meetings. Explains one, "[Going part-time] has destroyed [my career] for all intents and purposes. It has completely, utterly, and irreversibly altered my future, my practice, my finances, my reputation, my relationships, and my friendships."³⁰³

Many women lawyers report feeling similarly undervalued, which makes sense, given that "part-time" lawyers often take an immediate wage cut of 20 percent per hour for a "part-time" schedule of 40 hours a week. Research documents that working less than whatever schedule is considered "full time," and working from home, have significant negative consequences for future wage growth.³⁰⁴ Not surprisingly, some women try reducing their hours, only to get discouraged and quit. Says a marketing executive who quit after working part-time:

"So I decided to quit, and this was a really, really big deal because I never envisioned myself not working. I just felt like I would become a nobody if I quit. Well, I was sort of a nobody working, too. So it was sort of, 'Which nobody do I want to be?'"³⁰⁵

Whatever the results of quitting, 87 percent of highly educated women in one study cited workplace conditions, including inflexible schedules, as a key reason for their decisions to leave the workforce.³⁰⁶

The flexibility stigma affects fathers as well as mothers. Fathers with even a short work absence due to a family conflict were recommended for fewer rewards and had lower performance ratings. Men who take a family leave are often penalized, especially by other men. Fathers who experience a family conflict receive lower rewards and performance evaluations.³⁰⁷ When one young lawyer asked to take parental leave after the birth of his son, the message he received was that "my wife should do it."³⁰⁸

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Because of the flexibility stigma, and the norm of work devotion that drives it, many professionals face, in effect, a speed-up at work. To get ahead and to stay ahead, at least one breadwinner in professional families must work exceedingly long hours.

The speed-up at work, the speed-up in family life

The work speed-up very often is matched by a speed-up at home. Sociologists have reported a ratcheting up of the expectations—but chiefly in professional families. Less affluent Americans still raise their children as much as they themselves were raised—in the days when mothers gave children milk and cookies and sent them outside to play—except that nowadays kids spend more time in front of screens and less outside, as evidence by the national epidemic of obesity. Traditional patterns of spontaneous child-created play predominate in the bottom 80 percent of American households.³⁰⁹

In sharp contrast, professional families work on the assumption that their children’s talents must be carefully cultivated. To accomplish this, children are steered toward more formal, adult-created activities. Parents “make a deliberate and sustained effort to stimulate children’s development and to cultivate their cognitive and social skills,” engaging in a childrearing strategy Annette Lareau of the University of Pennsylvania calls “concerted cultivation.” Children are guided toward “a valuable set of white-collar work skills, including how to set priorities, manage an itinerary, shake hands with strangers, and work on a team.”³¹⁰

Less affluent families often take a skeptical view of the busy schedules that result: while acknowledging that this might “pay off ‘job-wise’” Lareau found them skeptical, opining that “I think he must be a sad kid,” and “He must be dead-dog tired.”³¹¹

Mothers do the great majority of this enrichment work in professional families. Employed mothers now spend as much time interacting with their children as stay-at-home mothers did in 1975. As a group, fathers spend about a third to a half the time mothers spend on children’s enrichment activities—and even less on achievement-related activities.³¹² Childrearing norms have shifted so sharply that grandparents are often “bewildered by their grandchildren’s hectic schedules of organized activities . . . and awed by the intensive involvement of mothers in the children’s schooling,” reports Lareau.³¹³

Indeed, upper middle-class mothers are doing something new. The average time spent on childcare has increased sharply for both professional fathers and mothers since 1985. Employed mothers spend 86 percent as much time with their children as non-employed mothers do.³¹⁴ Professional fathers spend far less: the fact that their time on childcare has increased is less impressive given the scant amount of time such fathers spent on childcare as of 1960. Perhaps not surprisingly, a 1999 study found that the children of employed mothers were more likely to feel like they needed more time with their *fathers*, than with their mothers.³¹⁵

Like all parents, professionals want the best for their kids. Yet college counselors have begun to protest the performance pressure placed on elite high schoolers. Studies document an increase in academic pressure, and economists are asking some searching questions.³¹⁶ A 2009 study by economists Garey Ramey and Valerie A. Ramey of University of California, San Diego, reports that U.S. parents of all incomes increased the time they spend in childcare, beginning in the mid-1990s. Yet the increase is twice as great among college-educated parents. It is concentrated on older children, in particular in coordinating and transporting them to their various activities.

Ramey and Ramey also note that the time educated Canadians spend in childcare has changed very little over the same period, and suggest that the difference lies in college education in the two countries. Because the United States—but not Canada—has a very steep prestige hierarchy among its universities, the authors suggest, professional-managerial families in America dedicate more time to enrichment activities designed to make sure their children reach one of the top schools.³¹⁷

Could it be that the drive toward ever-greater “enrichment,” from baby Mozart to travel sports teams, stems not from children’s needs but from parents’ economic anxieties? In a winner-take-all society, professional parents want to ensure their children are winners.

In short, professional families are caught between a speed-up at home and a speed-up at work. The situation is exacerbated both by the high proportion of parents in full-time work, and the high proportion of fathers who work 50 or more hours a week. Our analysis shows that some families attempt to cope with these pressures through “neo-traditional” families in which mothers work fewer hours than fathers do: in 54 percent of married-couple professional-managerial families with children, the husband works longer hours than the wife—as in 62 percent of low-income, and 53 percent of middle-income married-couple families. Even so, 4 in 10 professional mothers are employed at least full time and only one in five is not employed. Very few couples, regardless of whether they have children, have both spouses working 50-plus hours per week.

Couples with children at home showed the most discrepancy among the work hours of husbands and wives.³¹⁸ “Parenthood is a real watershed transition,” conclude sociologists Phyllis Moen and Stephen Sweet, of the Cornell Couples and Careers Study. The authors say kids in the home are responsible for “often pushing dual-earner couples to neo-traditional arrangements, with husbands putting in long hours on the job and their wives working considerably less. Once children grow up and leave home, work hours may shift.”³¹⁹

Having a husband who works more than 50 hours a week increases the odds of a woman quitting her job by 44 percent. Having a husband who works more than 60 hours a week increases her odds of quitting by 112 percent.³²⁰ In one study of highly educated women who had left the workforce entirely, more than 60 percent cited their husbands as a key reason for their decision to quit.³²¹ Commentators focus much more on the effect of women’s schedules for driving women out of the workforce, often overlooking the effect

of men's schedules. Work schedules often drive family dynamics, as documented in the Cornell study, which found that "men's success at work comes at the cost of not their own family success but of their wives' work success."³²²

Though professional women often cite a "parenting vacuum" as a key reason they scale back their careers, a lack of affordable, high-quality paid childcare also plays a central role.³²³ Nearly one-third, or 23 percent, of the predominantly professional mothers interviewed for newspaper articles about mothers "opting out" cited the lack of affordable, high-quality childcare as one reason they quit.³²⁴

Lack of good childcare options is a remarkably consistent problem among Americans describing work-family conflict. Our analysis finds that 37 percent of professional families use center-based care for their children under age 6, and they are more likely to use child care centers than are less affluent families, or 31 percent of whom use center-based care. The biggest surprise is the high level of relative care among professional families, with 24 percent turning to a relative for childcare—sharply lower than in less affluent families, or around 30 percent, but still higher than one might expect. No doubt many reasons contribute, but one is that childcare costs still eat up a big share of family income. Families who pay for center-based care pay an average of 6 percent of their family income, not much less than do middle-class families. (See Figure 7)

A final point is that men at the very top of organizations are more likely than their colleagues to have a wife who handles childcare, household, and other non-work responsibilities.³²⁵ The highest-level professional and managerial jobs typically require what sociologists call "a two-person career"—a career so demanding it requires the support of a spouse who takes care of most nonwork responsibilities.³²⁶

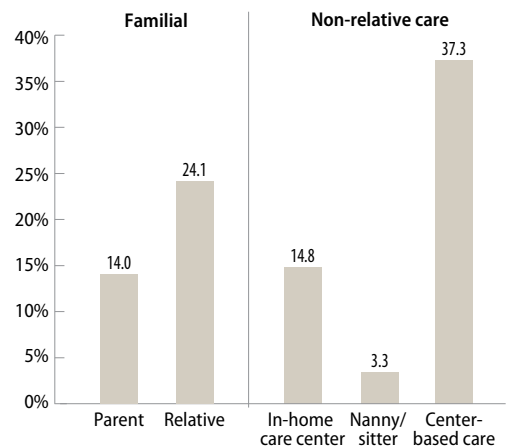
Men in two-person careers not only set the standard for others; they also manage a workforce where both women *and* men have very real day-to-day responsibilities for family care. Perhaps one reason today's workplace has not adapted to the needs of today's workforce is that top managers often have no personal experience, and little sense, of what it is like when family and work responsibilities conflict, because their wives—and a few stay-at-home husbands—take care of their family's needs. Too little thought has been given to this yawning gap in life experience by those at the top levels of companies and public policy.

Caregiver discrimination against professionals

As with low-wage and middle-income workers, professionals encounter family responsibilities discrimination. In this group, open pregnancy discrimination probably is rarer. Yet women are often marginalized once they become mothers—passed over for promotion or "mommy

FIGURE 7
Minding the kids

The kind of childcare used by professional families in 2004 for children under age 6



Source: Heather Boushey and Ben Zipperer's analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

tracked,” on the assumption that their work commitment and competence has diminished. “I had a baby, not a lobotomy,” protested one Boston lawyer in a study by Harvard Law School graduates.³²⁷ The leading study, which involved only professional jobs, found that mothers were 79 percent less likely to be hired, 100 percent less likely to be promoted, offered an average of \$11,000 less in salary, and held to higher performance and punctuality standards than women with identical resumes but no children.³²⁸

Negative competence and commitment assumptions triggered by motherhood are probably common among the employers of professional women with children. One attorney, despite excellent evaluations, was passed over repeatedly for promotions that were offered to less qualified men with children and to a woman without children. When a new position required extensive traveling, her employer assumed she would not want to hit the road as a mother. And when talking about working mothers, the general counsel of the legal department said “I don’t see how you can do either job well” (role incongruity again). At her law firm, only seven of the 46 managing attorneys were women, and none were the mothers of school-age children.³²⁹ This happens across the professional job landscape. (See side box)

Clearly, the face of work-family conflict in professional families is not the popular image that professional women cheerily embrace traditional roles and voluntarily leave the workforce after they have children. Instead, the picture is one of workplaces designed around long work hours that drive women off the fast track and men into overwork. Recall Sally Sears, the news anchor whose story appeared on the opening pages of this report. The same TV station that found it unthinkable to grant Sears’ request that she work less than a 60-hour week ultimately rehired her as a part-time reporter—but on a contract basis, presumably without health insurance, a pension, and at a sharply lower pay rate.

Sears did not joyfully discover the housewife within. Her workplace forced her out of a good job with a six-figure salary into a job that made her, and her children economically vulnerable.³³⁰

This is the face of work-family conflict among the professionals.



Kirstie Foster, a corporate public relations manager with General Mills, pays a visit to her 10-month-old daughter, Mia, in the day-care facility at the company's headquarters in Golden Valley, Minn., Monday, Sept. 20, 2004. General Mills is on Working Mother magazine's 19th annual list of the 100 best companies for working mothers. (AP Photo/Ann Heisenfelt)

WORK-LIFE SNAP SHOT

The mommy track

Numerous studies show that professional women with children are often shunted onto the “mommy track” by their employers even when they try to do what it takes to advance up the career ladder. In one case, a sales representative was passed over for promotion, her supervisor helpfully explaining that he did not consider her for the position “because she had children and he didn’t think she’d want to relocate her family.” The supervisor assumed this, despite the fact that she never said it. In fact, the sales representative had told her supervisor “again and again how much she wanted to be promoted” and had filled out a chart indicating multiple faraway locations where she’d be willing to relocate.³³¹

Passing a qualified mother over for a promotion is common. Those passed over for promotion—according to the case law database of the Center for WorkLife Law—included a college administrator, a global account executive, a staff attorney, a chemical engineer, and college professor—to name just a few.³³²

Professionals who have children may have their responsibilities taken away, or find themselves transferred or demoted, until they eventually get fed up and leave. A bank vice president, an attorney on a partner track, an assistant medical director, a hotel regional manager, and a national sales director are among those who sued to protest these kinds of demotions or transfers.³³³

What all Americans need

What all Americans need are workplaces designed for busy 21st century families. Employers and policymakers must recognize that the typical worker is now in a family in which all adults are employed, children continue to need care when young and after school, the elderly live into their 80s and 90s, and ill family members sometimes need to be cared for at home.

The political party that addresses work-family issues in a coherent and effective way will tap into an enormous source of political goodwill. The first step is to show Americans that work-family conflict is not just a personal problem. In fact, many of the stresses faced by American families stem from failures of public policy. The most obvious example is the lack of high-quality, affordable childcare, which affects all income groups. Lack of child care keeps many low-income mothers out of the labor force and leaves many middle-income children in low-quality childcare. Both low- and middle-income families are driven into tag teaming, which in turn leads to exhaustion and higher levels of divorce. Even professionals are affected; highly trained women often cut back on work commitments because they see no other way their children can receive quality care.

For too long, policymakers have sent a message that coping with work-family conflict is not their concern, and the American public has internalized that message. Yet government can play a leadership role, not only by modeling best practices, but also by advancing the policy agenda.

To update our public policies, we must address the realities of how families live and work today. This will require helping them meet their daily responsibilities—to pick up a child from school, take an elderly mother to a check-up, leave work early to nurse a partner through the swine flu—as well as the challenges faced when someone needs extended time off.

These things are possible. Through coalition-building and sustained efforts, progressives have fought for and won important policies for working families in the past. The 40-hour work week, for example, which continues to set boundaries on work hours for millions of U.S. workers, resulted from union activism that created the definition of “full time” later enshrined in the Fair Labor Standards Act of 1938.³³⁴ Advocates for the Family and Medical Leave Act, led by the National Partnership for Women and Families, built a coali-

tion that brought together unions, activists for older workers, the disabled, and families with children to pass that legislation.

Addressing work-family conflict *will* require that employers make some changes—but not that they lose money in the process. The reality is that best-practice employers typically find that workplace flexibility helps their bottom line.³³⁵ One of the challenges is that the policies in place tend to be lopsided—flexible work hours and paid leave are often available only to the highest-paid employees, while government subsidies for childcare are often available to only the least paid. Policies, both public and private, need to be smoothed out, so that they help not only the poor and professionals but also the missing middle.

Our choice today is not between over-burdensome regulations and some idealized “pristine market” that does not actually exist. The choice, instead, is between outdated public and workplace policies—or new policies that respond to contemporary working conditions.

Some crucial policies such as paid family and medical leave or childcare programs will require—dare we say it—subsidies. This is a heavy lift, especially since the typical frame is that it’s just “common knowledge” that government subsidies are unpopular in the United States.

Yet, as we delve deeper, that conventional wisdom is not quite true. While *enacting* workers’ rights and social subsidies is extraordinarily difficult in the United States, once passed—if universal—they quickly come to be seen as that holy grail of American politics: rights. Thus Social Security, initially controversial, has become the third rail of American politics.

More recently, we have seen Americans telling lawmakers to “get the government’s hands off my Medicare”—paying that social insurance program the ultimate American compliment: that it is a right to be vigorously protected.³³⁶ The deeper message is that Americans distrust government, but take their rights very seriously. In contrast, creating subsidies that only affect a small share of families but leave out others who need the same assistance can create hostility and resentment among families who are in need but who do not have access to these programs.

To pass new legislation that will support working families, Congress must see a groundswell of public support. But, that groundswell will only emerge if congressional representatives can connect with voters on work-family issues in ways that support advocates’ efforts to mobilize popular support. Yet progress towards a policy solution is often hampered by policies that fuel, rather than mitigate, the class divides over work-family conflict. A key goal of this report is to give public officials the background knowledge they need to avoid problems of this type.

The report suggests that potential coalition for advancing policies that address work-family conflict is quite large but that mobilization will require putting forth a broad set of policy options that affect the poor, the professionals, and middle.

Many work-family conflicts cannot be solved by childcare, and certainly not by sporadic childcare subsidies to the poor. Nor does a public policy agenda that focuses on short-term leaves —of a few weeks, or a few months—address the pressing daily needs of American families. To address the day-to-day struggles of Americans at all income levels requires an agenda with four basic elements:

- Workplace flexibility
- Short-term, episodic, and extended time off
- Childcare, afterschool care and adult care
- Addressing family responsibilities discrimination

Let's consider each of these briefly in turn before detailing the policy solutions.

Workplace flexibility

Seventy percent of children live in households where all adults are in the labor force, which means these parents will necessarily be juggling work and family.³³⁷ And nearly 50 percent of employees say they have missed work due to elder care responsibilities.³³⁸ Employers need to come to terms with the need for workplace flexibility to respond to legitimate family needs. Low-income workers urgently need scheduling predictability and minimum hours. Both they and middle-income employees need the ability to take time off for family emergencies. Middle-income workers also need limits on mandatory overtime—as do professionals—who also need relief from 24-7 availability.

Short-term, episodic, and extended time off

All employees need job-protected time off to care for children or ailing family members, and to address their own health needs. Short-term leaves are necessary for urgent life challenges—such as to care for a child with the flu—as well as extended time off to care for a new child, or for a family member with a serious health condition. Short-term leaves are crucial for low-income workers, who tend to have more family care responsibilities, and fewer employer-provided leaves, than do other Americans. Yet many middle-income Americans, and a hefty proportion of professionals, also lack short-term leaves to care for ill children or elders, as will be further detailed below.

Childcare, after-school care and adult care

High-quality, affordable childcare and after-school care is important to all American parents, from the most to the least affluent. Subsidized childcare is vital for low-income parents, who cannot afford to pay for childcare while working at or close to minimum wage. Yet subsidizing childcare for low- but not middle-income Americans is a recipe for class anger—as well as making any subsidy program politically vulnerable. Even Americans with professional and managerial jobs have trouble finding and keeping suitable childcare.

Childcare, however, is a small part of a much larger universe: typically childcare addresses the needs only of children through elementary school. Middle-school students need

afterschool programs, and high schoolers need enrichment programs. In addition, elderly and ill adults need care programs so that their caregivers—at every income level—can remain employed. And policymakers need to make sure that in establishing childcare subsidies they are not only focused on the needs of the child and his or her family, but also the childcare provider. Childcare workers are paid relatively low wages, in no small part because many families cannot afford to pay higher wages and there are inadequate subsidies for child care.

Addressing family responsibilities discrimination

Workers at all income levels need to be free from discrimination based on family responsibilities. Low-income workers seem to meet outright discrimination early, often when they become pregnant. Middle-income mothers also encounter discrimination after they return from maternity leave, notably when employers deny qualified individuals promotions and light duty. Professional-managerial mothers, and perhaps middle-income mothers as well, also encounter discrimination surrounding requests for flexible or part-time work. And men across the income spectrum often encounter discrimination that sends the message that caring for family members is women's work.

The devil is in the details

Descending from the highest level of generality into the weeds, this report has important messages about how to design a work-family initiative.

The Family and Medical Leave Act provides a cautionary tale. By the time FMLA was passed, advocates who had worked so hard for its passage found themselves—much to their frustration—faced with trade-offs and carve-outs that seriously undercut the legislation's effectiveness.³³⁹ These trade-offs were symptomatic of the lack of a sufficiently powerful coalition.

The following section examines how to build a coalition strong enough to maximize the chances that painful trade-offs will not become inevitable. Here the focus is on a template that allows advocates and policymakers to think through the implications of trade-offs that become inevitable. This template should include:

- **Universal coverage:** Would the proposed reform cover everyone?
- **Bargaining power:** Does the proposed reform protect Americans who have limited ability to negotiate with their employers?
- **Family structure:** Does the proposed reform cover the range of work-family conflicts resulting from different family structures?

- **Fills a gap:** If a proposed reform is not truly universal, does it help Americans of all income groups address work-family conflicts and provide benefits that many do not already have access to?

This template can be applied to any proposed initiative. We will apply it to three policies here: family and medical leave, paid sick days, and childcare subsidies.

Family and Medical Leave Act

The Family and Medical Leave Act of 1993 provides workers covered by the legislation with 12 weeks of unpaid leave to care for a new child, a sick relative, or to recover from the worker's own illness. Workers are covered by FMLA if they work at an establishment with at least 50 employees, have worked there for at least one year, and have put in at least 1,250 hours within the past year, or an average of 25 hours per week, assuming two weeks vacation per year. In 2000, the latest national data, about half the workforce was both covered and eligible for this benefit.³⁴⁰

Universal coverage: Fail

The coverage and eligibility requirements written into FMLA exclude many low-income and middle-income workers who work at establishments with fewer than 50 employees. Because lower-income employees tend to work for smaller employers, this carve-out tends to exclude the lowest-paid workers.³⁴¹

FMLA also disproportionately excludes many lower-paid workers because these workers tend to have job tenures of less than a year with their current employer.³⁴² Similarly, FMLA's minimum eligibility for coverage of a minimum of 1,250 hours per year excludes many low-wage workers, and mothers of all kinds because they are more likely to work part-time or intermittently.³⁴³

In addition, FMLA offers only unpaid leave, which makes it difficult or impossible for workers with lower incomes to use it. Yet workers of all incomes struggle to take advantage of FMLA unpaid leave opportunities. The utilization rate is similar across income groups, ranging from 16.5 percent for families with income of less than \$20,000 to 18.1 percent for those earning \$100,000 or more per year, with a high of 19.9 percent among those earning \$50,000 to less than \$75,000 per year.³⁴⁴ Among those who needed leave but did not take it, over three-quarters reported that the reason was that they could not afford to take unpaid leave.³⁴⁵

Bargaining power: Pass, but with caveats

Because FMLA provides a clear, job-protected right, all workers should be able to use it—or to sue if they are denied access to leave. However, new evidence has emerged that shows that employers do not always comply with the law.³⁴⁶ This is an important issue, yet

the lack of recent data on coverage or eligibility means that lax compliance and enforcement have not been widely recognized.

Family structure: Fail, but with caveats.

The FMLA favors traditional families because it offers only unpaid leave and because it does not cover nontraditional families. The policy encourages the lower-paid earner in the family—usually the woman—to take unpaid leave and provide so that the family can continue to have the higher earner—usually the man—stay in the workforce. Further, because FMLA protects only unpaid leave that means it disproportionately excludes single parents who cannot rely on a partner's income to support them during their leave.

The FMLA actively discriminates against nontraditional families. Domestic partners are not covered and families that rely on non-immediate family members to provide care—such as aunts and uncles—are also excluded from coverage.

Yet the gender-neutral nature of the FMLA, which provides 12 weeks of leave to employees, encourages both men and women to take time off work to care for an ill family member or bond with a new child.

Fills a gap: Pass, but with caveats

Prior to the passage of FMLA, job-protected leave was largely limited to professional-managerial workers and more often to mothers than fathers.³⁴⁷ Thus, to the extent that FMLA provided unpaid job-protected leave to low- or middle-income workers, this was a significant expansion of benefits. But due to the carve-outs that exclude businesses with less than 50 employees and employees with short job tenure, the new benefits went disproportionately to long-term employees—with their employer for more than a year—who work at least 25 hours per week on average, and who are employed by firms with at least 50 workers—all of which skewed the new benefit toward higher-paid workers.

Indeed, estimates are that one-third of FMLA-covered employers already offered leave policies that were consistent with—or more generous than—the FMLA when it was enacted almost two decades ago. And among the two-thirds of employers that changed some aspect of their policy to comply with the law, the most common change was to increase the number of reasons for which employees could take leave.³⁴⁸

Still, even though some employers offered more generous than the law requires, for example by providing paid family leave, their numbers are shrinking. According to a study by the Work and Families Institute, the percentage of employers offering paid childbirth leave has fallen from 27 percent in 1998 to 16 percent in 2008. The average length of allowed childbirth leaves also has decreased.³⁴⁹

On the other hand, the FMLA offered a new benefit across all classes to men who had little access to these leave policies prior to passage of FMLA. The 2000 survey of FMLA

usage found that men are just as likely as women to use FMLA for their own illness or to care for an ill family member and many more men across income groups now take time off to bond with a new child because of this law.³⁵⁰

Paid sick days

There are only three places in the United States where workers have the right to job-protected leave if they are sick: San Francisco as of 2007, Washington, D.C. (2008), and Milwaukee (passed in 2008, but held up by a court injunction) The Healthy Families Act, a new proposed federal legislation (S. 1152/H.R. 2460), would allow workers to earn one hour of sick leave for every 30 hours worked, up to seven days of paid sick days per year. Workers can use this leave for their own illness or doctor's appointments for preventative care, to care for an ill family member, or to seek help for domestic violence. The law excludes workers in firms with 15 or fewer employees.

Universal coverage: Pass, but with caveats

The proposed federal law would cover 85 percent of all workers who work in firms with 15 or more employees.³⁵¹ Unfortunately, the workers excluded earn, on average, lower wages than the workforce overall, with the average annual earnings for employees in firms with fewer than 15 employees at about \$31,000 compared to \$35,000 in firms of 15 to 99 employees and \$41,000 in firms with 100 or more employees.³⁵²

Importantly, though, the proposed law does not discriminate based on full-time versus part-time status. The Healthy Families Act allows workers to earn one hour of leave for every 30 hours worked, regardless of the total number of hours per week that employee works.

Bargaining power: Pass

The proposed law would establish a basic labor standard that would be relatively easy to enforce. In recent years, however, the Department of Labor has not had sufficient resources—or incentives—to enforce other basic labor standards, such as the minimum wage or overtime provisions.³⁵³ The upshot: without a Department of Labor committed to enforcing labor law, new policies can be less meaningful. The Obama administration has committed to increasing the number of enforcement officers significantly, bringing them up to the level they had been in 2001.³⁵⁴

Family structure: Pass

Since the Healthy Families Act provides paid time off, it makes no assumptions about whether another family member can provide income support during times when a family member is ill. Further, it has an inclusive definition of family allowing workers, for example, to take sick days to care for an ill domestic partner. This is perhaps the best example of a family-friendly reform that works for families of all incomes.

Fills a gap: Pass

Currently, workers with the least access to employer-provided paid sick days are low-income workers, but paid sick days are far from universal. Significant numbers of moderate and higher-income workers currently go without paid sick days as well: less than a quarter of workers in the lowest wage quartile and two-thirds in the highest-earning quartile have paid sick days.³⁵⁵

Furthermore, many workers who have paid sick days cannot use that time to care for a sick child or other family member. Enacting legislation that affirms paid sick days can be used by workers for their own illness or to take care of a family member will offer an important new benefit to a wide range of workers.

Childcare subsidies

The United States has no national childcare system. Families with young children and those who need before- or after-school care must find care on the private market. The federal government, however, does provide subsidies for some families to make childcare more affordable. These subsidies are administered through the Child Care Development Block Grant Fund and funds from the Temporary Assistance for Needy Families program that are used for childcare, alongside funds provided by states to help families with childcare expenses. In addition, Head Start programs often are included in childcare programs, but because the goal of that program is primarily educational, the care provided does not necessarily fit with parent's work schedule. (There are tax credits and pretax savings programs available as mentioned earlier, but since these are not subsidies for child care programs, we do not address them here.)

The American Recovery and Reinvestment Act pumped an additional \$2 billion into the Child Care Development Block Grant Fund program on top of the \$2.1 billion of discretionary funding for 2009 authorized by the regular federal budget appropriations process.³⁵⁶ These funds are administered by the states, which have considerable leeway in setting provider payment levels, parent co-payment levels, income eligibility requirements, and regulation of programs. Typically, to be eligible for childcare subsidies, a family has to have earnings below the median income of the state, but there is wide variation in what the threshold is.

Case in point: In an analysis of 10 states' eligibility rules for childcare subsidies, researchers found that a single-parent family with two children must have income that is 85 percent of the federal policy threshold in Texas, or about \$1,176 per month, compared to 250 percent of that threshold, or \$3,458 per month, in the District of Columbia.³⁵⁷ Moreover, most families who are eligible do not receive the benefit. In the same analysis of 10 states, in no state did more than half of those eligible receive the subsidy.³⁵⁸

Low childcare subsidy levels not only limit the availability of affordable childcare, but they limit the pay and benefits of the childcare providers.³⁵⁹ These jobs are disproportionately held by women and often women of color who fall into the low-income or middle income group.

Universal coverage: Fail

Child Care Development Block Grant funds are targeted to low-income families. Few middle-income families, and virtually no professional-managerial families, receive childcare subsidies even though they, too, often face challenges finding and affording quality childcare.

Bargaining power: N/A

Unlike employer-provided childcare, which tends to be structured so that it is more heavily used by managers and professionals, a government subsidy for childcare is not dependent upon the bargaining power of the parent because this is not provided by the employer. The relevant question is whether there is sufficient political will to fully fund childcare programs or expand them to cover all families.

Family structure: Pass

Child Care Development Block Grant funds do not exclude eligibility based on family structure. However, because the thresholds for receipt are often very low, single-parent families are more likely, in general, to qualify since they have low incomes, even though the eligibility thresholds adjust for family size and structure.

Fills a gap: Fail

Subsidies are only available to a minority of eligible families because of a lack of funding. Further, the childcare subsidy program—by design—leaves out most middle-income families even though they often have problems affording safe and enriching childcare. This artificial policy divide between the poor and the missing middle can be a potent source of class frustration and anger. In addition, no subsidies are available to professionals or managers, which further undercuts political support for the program.

Constructing an effective coalition to enact family friendly reforms

One key to avoiding unsavory carve-outs is to construct a policy agenda that taps into the passions surrounding work-family conflict and inspires American families at all income levels to persuade their representatives in Congress to support policy initiatives that address work-family conflict. To connect with the voters—and to build a viable legislative coalition—progressives need to ensure that their work-family proposals are assessed in terms of their appeal to Americans in different parts of the income spectrum.³⁶⁰

This section provides a new approach to policy analysis designed to aid this process. One element of this approach is to break down the effects any given policy proposal will have on different income groups. Table 4 provides an example.

TABLE 4
An all-American family-friendly political coalition

Cross-income appeal of various work-family policies

Policy proposal	Low income (Below \$34,520)	Middle income (\$34,520- \$109,693 [90th percentile])	Professionals (\$101,300 and above, with a family member with a college degree)
Paid sick days that can be used for care of sick children ¹	77 percent lack paid sick days; 89 percent cannot take days off for sick children	38 percent to 48 percent lack paid sick days; 64 percent to 69 percent cannot take days off for sick children	31 percent lack paid sick days; 57 percent cannot take days off to care for sick children
Right to request flexibility ²	68 percent cannot choose starting and stopping times; 54 percent cannot change those times	59 percent to 62 percent cannot choose starting and stopping times; 47 to 50 percent cannot change those times	38 percent cannot choose starting and stopping times; 30 percent cannot change those times
Part-time parity: proportional pay and benefits for part-time work (Statistics reflect percentages in part-time work) ³	Married parents: 17 percent of mothers 8 percent of fathers Married, no children: 14 percent of wives, 8 percent of husbands 19 percent of single mothers	Married parents: 21 percent of mothers 3 percent of fathers Married, no children: 14 percent of wives, 4 percent of husbands 7 percent of single mothers	Married parents: 21 percent of mothers 2 percent of fathers Married, no children: 12 percent of wives, 3 percent of husbands 8 percent of single mothers
Current childcare government subsidies for children under age 6 ⁴	Center-based care: 30.3 percent In-home care centers: 15.5 percent Relative care: 3.7 percent	Center-based care: 5 percent In-home care centers: 2.7 percent Relative care: 5.5 percent	Center-based care: 0.3 percent In-home care centers: 0.5 percent Relative care: 2.9 percent
Paid maternity leave ⁵	18 percent have paid maternity leave through short-term disability	38 percent to 47 percent have paid maternity leave through short-term disability percent	59 percent have paid maternity leave through short-term disability

Sources: (1) Vicky Lovell, "No Time to Be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave" (Washington, Institute for Women's Policy Research, 2004); (2) Jody Heymann, *The Widening Gap: Why America's Working Families are in Jeopardy—and What Can Be Done About It* (New York: Basic Books, 2000); (3) Heather Boushey and Jeff Chapman's analysis of Miriam King, et. al., Minnesota Population Center, Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database] (2009); (4) Heather Boushey and Ben Zipperer's analysis of the Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel; (5) Bureau of Labor Statistics, "Employee Benefits Survey: Insurance Benefits" (2009).

This kind of data is useful to help public officials connect with constituents around work-family issues. Such data can help legislators understand why some existing work-family proposals do not help them connect with voters. For instance, if a member of Congress represents significant numbers of professional-managerial women, a program focused on childcare subsidies that are available only to the poor and paid FMLA worker benefits that professional-managerial workers typically already have through their employers will not necessarily capture the imagination of constituents.

Table 4 suggests initiatives with cross-class appeal, particularly when this data is combined both with other information provided in this report, and with preliminary qualitative research by Lake Research Associates, funded by the Rockefeller Family Fund. That research compared the responses of focus groups of professional-managerial women with annual incomes between \$100,000 and \$200,000, and middle-income women with annual incomes between \$34,000 and \$92,000 to various messages and data about work-family conflict.

These various sources of information provide the basis for a new assessment of various existing and proposed policy initiatives, specifically:

- Paid sick days
- The right to request flexibility
- Part-time parity

We'll now examine the political potency of these three policy initiatives.

Paid sick days

Offering a minimum number of paid sick days to all Americans will benefit, very roughly, three-quarters of the poor, nearly half of middle-income, and one-third of professional-managerial Americans, according to Table 1. In addition, both focus groups responded strongly to facts indicating that 41 percent of working parents say they have missed medical appointments or delayed treatments for their children because they could not get away from work, and that employees who come to work when they are sick cost employers \$180 million a year.³⁶¹

Paid sick days seems promising as a work-family initiative, and, in fact, has garnered a lot of support—along with opposition from the business community. In addition, other policies initiatives that have received a lot less attention appear to have significant potential for building a powerful work-family coalition.

The right to request flexibility

Table 1 suggests that Americans throughout the income spectrum would benefit from a bill, modeled on legislation in the United Kingdom and introduced in the 111th Congress in the House by Rep. Carolyn Maloney (D-NY)—the Working Families Flexibility Act, H.R. 1274—to give Americans the right to request a change in their work schedules without retaliation. The proposed legislation does not require employers to grant such requests, but they would have to give a reason if they deny a request.

Table 1 shows that, rounding the relevant figures, roughly 70 percent of low-income, 60 percent of middle-income, and 40 percent of professionals cannot now change their starting and stopping times and so would benefit from the right to request. In focus groups, both middle-income and professional-managerial women responded well to phrases that included the terms “flexibility” and “family friendly.”

Part-time parity

Table 1 shows that contrary to conventional wisdom professional mothers are not the only ones who work part time. In fact, middle-income mothers in two-parent families are slightly more likely than professional women to work part time. Poor married mothers are

less likely to work part time, yet low-income couples without children are about as likely as more affluent married mothers to work part time. Women in the middle-income focus group responded positively to the message that part timers should get benefits proportional to the hours they work.

Moreover, low-income workers, men as well as women, often can find only part-time jobs with reduced wages and no benefits, when what they want is full time work. They, too, would be benefited if part-time jobs carried proportional benefits. In addition, prohibiting a decrease in wages for part-time work would benefit middle-income workers. Recall during the 1997 United Parcel Service Strike, before which part timers were paid only \$11 per hour, compared to the \$20 perhour wage rate paid to full timers.³⁶² Part-time parity may well have potential to appeal to a broad range of voters.

Shaping family-friendly reforms

This kind of information should help progressives to shape family-friendly reforms so they will appeal to Americans at different spots on the social spectrum—and should help progressives assess whether an effective coalition can be formed to support passage of a given policy proposal. This is not to say that the best policy, in every context, provides identical benefits to every income group: self-interest is a powerful—but not the only—motivator. If a policy proposal does not offer many—or any—benefits to a given group, then the challenge is to find an alternative way to inspire that group to participate actively in a coalition in support of the proposal.

The kind of information presented in Table 1 also can help advocates and policymakers spot a key pitfall highlighted by this report—if a government program offers subsidies or other benefits to low-income but not middle-income Americans, then class resentments may result. These resentments can make a given policy more difficult to enact and then undercut support after enactment.

Moreover, in some circumstances, class resentments can undermine the larger progressive agenda by driving American politics to the right. This is not to say that easy answers exist. A key challenge is that crucial benefit programs such as childcare subsidies are perpetually underfunded, which may make it logical in some contexts to limit recipients to the most needy. The key point, rarely acknowledged, is that this strategy entails significant political costs both in the short and the long term.

A final point concerns messaging. Lake Research Associates found that different income groups found different messages persuasive. Professional-managerial women, but not middle-income ones, responded strongly to language that stressed that family-flexible policies are good for business. Among professional women, the “good for business” framing was a slam dunk, but that message did not play as well among middle-income women.

Further research is needed to ascertain whether this shows the slam-dunk message for all income groups has not yet been identified, which is likely given the novelty of this new approach to policy analysis, or whether no single message unites this group. But one finding was clear: the “good for business” message that played among professional women was not very appealing to women in the middle. This suggests the need for broad public outreach, with different messages targeted to different groups.

Middle-income women responded more strongly than professional women to a fairness frame, such as that derived from Joan Williams’s forthcoming book, *Reshaping the Work-Family Debate: Why Men and Class Matter*. That message frame stressed that people who “work hard, pay taxes, and play by the rules” deserve “a decent wage and minimum level of benefits,” including sick days and benefits proportional to the hours worked. The part-time parity message held particular resonance with this group. Professional women did not connect with this message frame. They felt it was too emotional, and found the reference to paying taxes confusing. These represent important differences.

But in this preliminary research, both groups of women felt that what was really needed was mutual respect between employers and employees. Both groups felt their lives lacked balance, and that the current economy makes it necessary to prioritize work, often at the expense of family. Neither group responded strongly to the phrase “guaranteed minimum,” and both groups had mixed and often negative reactions to a government role in the economy, jobs, and expanded workplace benefits. Yet focus group participants reported high levels of support for the Family and Medical Leave Act. Again, Americans hate government “interference”—until it becomes a cherished “right.”

Conclusion

Progressives are well aware that incomes in the United States diverged sharply in recent decades, leading to sharp differences in everyday life, with profound implications for American politics. The premise of this report is that progressives need to understand, in a fine-grained way, what everyday life looks like for everyday Americans—and how those experiences differ across income levels.

Work-family issues involve deep and powerful sentiments: whether a man feels he is meeting his obligations as a father, whether a husband can care for his ailing wife—and whether ordinary Jane has to stay up doing laundry until 10:00 p.m., and then drag herself out of bed to start making breakfasts and lunches at 5:00 a.m. Exhaustion, aspiration, fears—that one’s children are not safe, that one’s family will fall out of the middle class, that one’s job is so voracious it will corrode family life. These are the powerful emotions that surround work-family conflict and the politics that stem from it.

These powerful sentiments can fuel Americans’ sense that the government can help them address the day-to-day problems they face—or they can confirm the widespread sense that government is ineffective, and uninterested in their everyday problems. That’s why work-family conflict remains—largely unnoticed—a key driver of American politics. This report is meant to help progressives tap the powerful sentiments surrounding work-family conflict to move towards progressive solutions and a progressive politics.

Data and method appendix

We use two government surveys to conduct the analysis in this report. For data on income trends, family structure, and hours of work, we use data from the Current Population Survey Annual Social and Economic Supplement for the late 1970s (1977, 1978, and 1979) and the late 2000s (2006, 2007, and 2008). This analysis was conducted with the help of Jeff Chapman using the extracts prepared by Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek.³⁶³ For data on childcare usage and costs across, we use data from the 2004 panel of the Survey of Income and Program Participation, or SIPP. This analysis was conducted with the help of Ben Zipperer using the extracts prepared by the Center for Economic and Policy Research, available at www.ceprdata.org.

For both surveys, the universe is families with an adult between the ages of 25 and 54. We divide families into three groups:

1. Low-income: Bottom one-third of families, by family income
2. Middle-income: From bottom one-third up to the professional/managerial class
3. Professional-managerial: Top 20 percent of families, by family income and at least one adult has at least a college degree

The CPS provides annual income and the analysis bases the income groups on primary family income. All dollar values are reported in 2008 dollars, adjusted for inflation using the Consumer Price Index Research Series available from the Bureau of Labor Statistics. We set full-time hours at 35 hours per week and part-time hours are anything between 1 and 35 hours per week.

In our analysis using the CPS, the low-income group has family income below \$34,520. The professional-managerial group has income at or above the 20th percentile, \$101,300, but because families without an adult with a college degree are placed in the middle-income group, only 13.4 percent of all families are in this grouping 2008. The middle income group has incomes between \$34,520 and \$864,772; the 90th percentile for this group is \$109,683, which is what we report as the upper bound throughout the report. In 2008, 53.3 percent of all families are in the middle-income group.

The SIPP provides information on child care in topical modules four and eight in the 2004 panel. These topical modules cover February to May 2005 and June to September 2006.

Family income and work participation data come from the longitudinal waves that correspond to these topical modules. The SIPP provides monthly income based on interviews asked every fourth month. Therefore, we estimate the family income groups based on the four-month average of monthly family income. Family income is for primary families and other household members are not counted when determining income group.

Childcare is evaluated for all children in the mothers' family under age 6, including her own children—adopted or biological—as well as any children for whom she is the guardian—foster children, step-children, or other children. In general, childcare questions were asked of the mother if there was a child in the family; however, some respondents are men. These small number of observations were not included in this analysis.

Prior research using the SIPP has found that among working mothers, the majority — around 80 percent—report using one of six kinds of childcare to care for their children under age 6:

- Parental care—care by the child's parent, guardian, or stepparent, either at work or at home
- Relative care—care by a relative of the child—including siblings 15 years or older—either in the child's home or someplace else
- In-home care center—care by a family daycare provider or by someone who is not a relative of the child away from the child's home.
- Nanny or sitter care—care by someone who is not a relative of the child in the child's own home.
- Center-based care or preschool—care in a center-based care center, nursery or preschool, or Head Start program.
- Self or sibling care—child either cares for his or herself or is cared for by a sibling under age 15.

The analysis of the kind of child care parents use includes all six kinds of care used for the first five children in the household under age 6. Self care was too small to report findings for.

The values reported in this report are probabilities estimated from logit regressions, based on the method used by Heather Boushey and Joseph Wright.³⁶⁴ The kind of childcare used is the dependent variable (available from the author on request) and the model includes demographic characteristics and income and employment-related characteristics of the mother. The variables included are (with omitted variables in parentheses): age (18- to 25-year-olds), educational attainment (less than high school grad), race (white), hours worked (less than 20 per week), household status (married), household income (bottom 20 percent), and year (2004).

After estimating the logit regression models, we estimate the predicted probability of having a particular type of childcare arrangement by conducting simulations that calculate a distribution of expected values of the predicted probabilities. For example, we calculate 1,000

expected values of the probability of having formal care as first differences (different from the omitted variable). We set all other explanatory variables at their mean value. This simulation provides us with a substantively meaningful assessment, using controls, of the effect of certain individual characteristics on the probability of having a particular type of childcare.

Overall, less than one-third of children are in more than one kind of childcare arrangement each week. Because any one mother can have more than one child, and therefore use more than one kind of childcare, the data were normalized to 100 percent.

The cost of childcare is the amount paid per week for the primary childcare arrangement across all the mother's children under age 6 who have that kind of care. The values are all in March 2009 dollars and averages exclude mothers who did not pay for care.

Endnotes

- 1 Nina Bernstein, *Daily Choice Turned Deadly*, N.Y. Times, Oct. 19, 2003, available at <http://www.nytimes.com/2003/10/19/nyregion/daily-choice-turned-deadly-children-left-on-their-own.html?pagewanted=all>; Lydia Polgreen, *A Fire Kills Two Children Found Alone*, N.Y. Times, Oct. 13, 2003, available at <http://www.nytimes.com/2003/10/13/nyregion/a-fire-kills-two-children-found-alone.html>.
- 2 Note that, throughout the report, any data that appears without a citation reflects original calculations completed by the authors for this report. Please see the Data and Method Appendix for more information on our analysis.
- 3 Lisa Belkin, *The Opt-Out Revolution*, N.Y. Times, Oct. 26, 2003, available at <http://www.nytimes.com/2003/10/26/magazine/26WOMEN.html?pagewanted=all>.
- 4 Lillian B. Rubin, *Families on the Fault Line: America's Working Class Speaks About the Family, the Economy, Race, and Ethnicity* 94, 96-97 (1994).
- 5 Theda Skocpol & Richard C. Leone, *The Missing Middle* 23, 8 (2001).
- 6 Janet C. Gornick & Marcia K. Meyers, *Families That Work: Policies for Reconciling Parenthood and Employment* 79-80 (2005).
- 7 See Organisation for Economic Co-operation and Development (OECD), OECD Stat Extracts, Average annual hours actually worked per worker, <http://stats.oecd.org/Index.aspx?DatasetCode=ANHRS> (sortable data showing U.S. among top 11 countries with longest work hours and longer work hours than Japan, each year from 2000 to 2008); *Death by overwork in Japan, Japan and overwork*, *The Economist*, Dec. 19, 2007, available at http://www.economist.com/world/asia/displaystory.cfm?STORY_ID=10329261 (defining *karoshi*).
- 8 Lawrence Mishel, Jared Bernstein & Heidi Shierholz, *The State of Working America 2008-9* (2009) (Americans worked 568 additional hours in 2006 than in 1979; average assumes a 50-week year).
- 9 Rebecca Ray, Janet C. Gornick & John Schmitt, Center for Economic and Policy Research, *Parental Leave Policies in 21 Countries: Assessing Generosity and Gender Equality* (2008, Rev. June 2009), available at <http://www.lisproject.org/publications/parentwork/ParentLeaveReport.pdf>; Lew Daly, *The Case for Paid Family Leave: Why the United States Should Follow Australia's Lead*, *Newsweek*, Aug. 3, 2009, available at <http://www.newsweek.com/id/210252>.
- 10 Jane Waldfogel, *Family and Medical Leave: Evidence from the 2000 Surveys*, 124(9) *Monthly Labor Review* 19, 19-20 (2001).
- 11 Ariane Hegewisch & Janet C. Gornick, Institute for Women's Policy Research & Center for WorkLife Law, *Statutory Routes to Workplace Flexibility in Cross-National Perspective* 15 (2008), available at <http://www.worklifelaw.org/pubs/Statory%20Routes%20to%20WkFlex.pdf>.
- 12 See generally *id.*
- 13 See generally Gornick & Meyers, *supra* note 6.
- 14 *Id.* at 81 (95 percent of women and 90 percent of men in the U.S. wish they had more time with family).
- 15 Belkin, *supra* note 3.
- 16 Administration for Children and Families Office of Family Assistance, Department of Health and Human Services, *Temporary Assistance for Needy Families Program (TANF): Eighth Annual Report to Congress* (2009).
- 17 Ellen Bravo, *Taking on the Big Boys: or Why Feminism Is Good for Families, Business, and the Nation* (2007).
- 18 Skocpol & Leone, *supra* note 5, at 23, 8.
- 19 Many of our colleagues have addressed the issues around class and work-family conflict, but not laid out the full narrative across class. See, e.g., Ann O'Leary & Karen Kornbluh, *Family Friendly for All Families*, in Center for American Progress, *The Shriver Report: A Woman's Nation Changes Everything*, (Heather Boushey & Ann O'Leary eds., 2009) (hereinafter "The Shriver Report"); Bravo, *supra* note 17; Ann O'Leary, *How Family Leave Laws Left Out Low-Wage Workers*, 28(1) *Berkeley Journal of Employment and Labor Law* 1 (2007)..
- 20 Sara McClanahan, *Diverging Destinies: How Children Are Faring Under the Second Demographic Transition*, 41(4) *Demography* 607, 610-11 (2004).
- 21 Jody Heymann, *The Widening Gap: Why America's Working Families are in Jeopardy—and What Can Be Done About It* 4 (2000).
- 22 National Alliance for Caregiving & AARP, *Family Caregiving in the US, Findings from a National Survey* (1997) (one out of four); Katherine Mack, Lee Thompson & Robert Friedland, *The Center on an Aging Society*, Georgetown University, *Data Profiles, Family Caregivers of Older Persons: Adult Children* 2 (May 2001) (more every year).
- 23 Gornick & Meyers, *supra* note 6, at 63 (documenting that women in the U.S. who work part time earn about 21% less an hour, while women in the UK earn 10% less and women in Germany earn 9% less.)
- 24 Joan C. Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* 97 (2000).
- 25 *Women and the World Economy*, *The Economist*, April 12, 2006, at 80.
- 26 Joan C. Williams, *Center for WorkLife Law, One Sick Child Away from Being Fired: When "Opting-Out" is Not an Option* 25-30 (2006), available at <http://www.worklifelaw.org/pubs/OneSickChild.pdf>.
- 27 Julia R. Henly, H. Luke Shaefer, & Elaine Waxman, *Nonstandard Work Schedules: Employer- and Employee-Driven Flexibility in Retail Jobs*, 80 *Social Service Review* 609, 616 (2006).
- 28 Unpublished Manuscript, U.S. Congressional Joint Economic Committee.
- 29 Amy Richman et. al., *Corporate Voices for Working Families, Innovative Workplace Flexibility Options for Hourly Workers* 94, available at http://www.cvworkingfamilies.org/system/files/CVWF_percent20report-FINAL.pdf
- 30 Of course, those performing that domestic labor struggle with their own work-family conflict. See Barbara Ehrenreich & Arlie Russell Hochschild, eds., *Global Woman: Nannies, Maids, and Sex Workers in the New Economy* (2004).
- 31 Williams, *Unbending Gender*, *supra* note 24, at 29. Other legal authors have addressed the interaction of class and work-family conflict. See, e.g., Michael Selmi & Naomi Cahn, *Women in the Workplace: Which Women, Which Agenda?*, 13 *Duke Journal of Gender Law & Policy* 7 (2006).
- 32 Elizabeth Lower-Basch, *Center for Law and Social Policy, Opportunity at Work: Improving Job Quality* 7 (Sept. 2007).
- 33 Sloan Work and Family Research Network, Boston College, *Conversations with the Experts; Pervasive Economic Uncertainty and the Labor Force: Susceptibility Reaches a Broader Spectrum of Workers; An Interview with Barry Bluestone*, 5(2) *The Network News: A Work-Family News Publication*, Summer 2003, available at http://wfnetwork.bc.edu/The_Network_News/5-2/TNN5-2_Bluestone.pdf.
- 34 See generally *The Shriver Report*, *supra* note 19; Susan J. Lambert, *University of Chicago, Improving Work Schedules in Hourly Jobs, Presentation at Flexible Work Arrangements and Low-Wage Work Briefing, Workplace Flexibility 2010 and the New America Foundation* (July 8, 2009).

- 35 Jerry A. Jacobs & Kathleen Gerson, *The Time Divide: Work, Family, and Gender Inequality* 34 (2004).
- 36 *Id.* at 36.
- 37 Jennifer E. Swanberg, *Workplace Structure and Its Impact on Hourly Workers and Their Families*. Presentation at Working for Change: A Conversation on Workplace Flexibility Research, Business Practice, and Public Policy Conference, Workplace Flexibility 2010 and the Alfred P. Sloan Foundation (May 29, 2008).
- 38 See *supra* note 20 and accompanying text.
- 39 O'Leary & Kornbluh, *Family Friendly for All Families*, *supra* note 19.
- 40 Tax Policy Center, *Taxation and the Family: How Does the Tax System Subsidize Child Care Expenses?*, in Urban Institute and Brookings Institution, *The Tax Policy Briefing Book: A Citizens' Guide for the 2008 Election, and Beyond* (2007), <http://www.taxpolicycenter.org/briefing-book/key-elements/family/child-care-subsidies.cfm>.
- 41 Heather Boushey & Ann O'Leary, Center for American Progress, *Our Working Nation* (forthcoming 2010).
- 42 Jill M. Weigt & Catherine Richards Solomon, *Work-Family Management Among Low-Wage Service Workers and Assistant Professors in the USA: A Comparative Intersectional Analysis*, 15 *Gender, Work and Organization* 621, 639 (2008).
- 43 Teresa Ciabattari, *Single Mothers, Social Capital, and Work-Family Conflict*, 28 *Journal of Family Issues* 34, 47 (2007).
- 44 This is consistent with Table 2, which shows that there are slightly more stay-at-home wives today among low-income families, compared to 1977-1979. This is due to the added work hours of single-parent families, which offsets the decline in work among married mothers.
- 45 Heymann, *The Widening Gap*, *supra* note 21, at 124.
- 46 Lisa Dodson, Tiffany Manuel & Ellen Bravo, Radcliffe Institute for Advanced Study, *Keeping Jobs and Raising Families in Low-Income America: It Just Doesn't Work 4* (2002), available at <http://www.radcliffe.edu/research/pubpol/boundaries.pdf>.
- 47 See e.g., Elise Gould, Timothy Smeeding, & Barbara Wolfe, *Trends in the Health of the Poor and Near Poor: Have the Poor and Near Poor Been Catching Up to the Non Poor in the Last 25 Years?* Presentation at Economics of Population Health: Inaugural Conference of the American Society of Health Economists (June 4, 2006), available at http://www.allacademic.com/meta/p93442_index.html.
- 48 Jody Heymann, *Inequalities at Work and at Home: Social Class and Gender Divides*, in *Unfinished Work: Building Equality and Democracy in an Era of Working Families* 102 (Jody Heymann & Christopher Beem eds. 2005) (20 percent of women in lowest-income quartile).
- 49 Heather Boushey, Shawn Fremstad, Rachel Gragg, & Margy Waller, *The Mobility Agenda: A Special Initiative of Inclusion and the Center for Economic Policy and Research, Understanding Low-Wage Work in the United States 13-14* (2007), <http://www.inclusionist.org/files/lowwagework.pdf>.
- 50 Lisa Dodson & Ellen Bravo, *When There is No Time or Money: Work, Family, and Community Lives of Low-Income Families*, in *Unfinished Work: Building Equality and Democracy in an era of Working Families* 122, 142 (Jody Heymann & Christopher Beem eds., 2005).
- 51 See, e.g., Lisa Dodson, *The Moral Underground: How Ordinary Americans Subvert an Unfair Economy* 28-46, 104-10 (Uncorrected page proof ed., 2009).
- 52 See e.g. Sharon Hays, *Flat Broke with Children: Women in the Age of Welfare Reform* (2003); Kathryn Edin & Laura Lein, *Making Ends Meet: How Single mothers Survive Welfare and Low-Wage Work* (1997).
- 53 Henly, Shafer & Waxman, *supra* note 27, at 623.
- 54 As noted above, our analysis includes only families with an adult between the ages of 25 and 54 in order to not conflate specific issues for very young or older families.
- 55 Steven Greenhouse, *The Big Squeeze: Tough Times for the American Worker* 94-97 (2008).
- 56 O'Leary, *How Family Leave Laws Left Out Low-Wage Workers*, *supra* note 19.
- 57 Dodson, *The Moral Underground*, *supra* note 51, at 33.
- 58 See *supra* notes 26 to 29 and accompanying text.
- 59 June Carbone, *Age Matters: Class, Family Formation, and Inequality* (Working Paper, Feb. 2007), available at <http://ssrn.com/abstract=1103603>.
- 60 Robert Mnookin & Eleanor Maccoby, *Facing the Dilemmas of Child Custody*, 10 *Va. J. Soc. Pol'y & L.* 54, 57 (2002); Leslie Joan Harris, *The ALI Child Support Principles: Incremental Changes to Improve the Lot of Children and Residential Parents*, 8 *Duke J. Gender L. & Pol'y* 245, 247-48 (2001).
- 61 Dodson, *The Moral Underground*, *supra* note 51, at 42-44.
- 62 Barrie Thorne, *The Crisis of Care*, in *Work-Family Challenges for Low-Income Parents and Their Children* 165, 168 (Ann C. Crouter & Alan Booth eds., 2004).
- 63 Heymann, *The Widening Gap*, *supra* note 21, at 73.
- 64 Suzanne M. Bianchi, Lakha Subaiya, & Juan T. Kahn, *The Gender Gap in the Economic Well-Being of Nonresident Fathers and Custodial Mothers*, 36 *Demography* 195, 195 (1999).
- 65 Dodson, Manuel & Bravo, *supra* note 46, at 1.
- 66 Jody Heymann, *Forgotten Families: Ending the Growing Crisis Confronting Children and Working Parents in the Global Economy* 24 (2006).
- 67 Dodson, Manuel & Bravo, *supra* note 46, at 4.
- 68 Weigt & Solomon, *supra* note 42, at 632, 638, 640.
- 69 See e.g., S.G. Anderson, D.M. Ramsburg, & J. Scott, *Illinois Department of Human Services, Illinois Study of License-Exempt Child Care: Final Report* (2005), available at www.researchconnections.org/location/ccra7350; R. Chase, J. Arnold & L. Schauben, *Minnesota Department of Human Services, Family Friend, and Neighbor Caregivers—Results of the 2004 Minnesota Statewide Household Child Care Survey* (2006); R. Coley, P.L. Chase-Landsdale, & C. Li-Grining, *Policy Brief 01-04: Child Care in the Era of Welfare Reform, Quality, Choices, and Preferences*, in *Welfare, Children & Families: A Three-City Study* (2001), available at www.researchconnections.org/location/834.
- 70 Dodson, Manuel & Bravo, *supra* note 46, at 17.
- 71 Hannah Matthews, Center for Law and Social Policy, *Child Care Assistance Helps Families Work: A Review of the Effects of Subsidy Receipt on Employment 2* (April 3, 2006), <http://www.clasp.org/admin/site/publications/files/0287.pdf>.
- 72 Dodson, Manuel & Bravo, *supra* note 46, at 6.
- 73 Julia R. Henly & Sandra Lyons, *The Negotiation of Child Care and Employment Demands Among Low-Income Parents*, 56 *Journal of Social Issues* 683, 695, 697 (2000).
- 74 *Id.* at 695.
- 75 Ellen E. Kossek, et al., *Family, Friend, and Neighbour Child Care Providers and Maternal Well-Being in Low-Income Systems: An Ecological Social Perspective*, 81 *Journal of Occupational and Organizational Psychology* 369, 370 (2008).
- 76 Aletha C. Huston, *Childcare for Low-Income Families: Problems and Promises*, in *Work-Family Challenges for Low-Income Parents and Their Children* 139, 142, 146 (Ann C. Crouter & Alan Booth eds., 2004).
- 77 *Id.* at 146 (based on research conducted across five states).
- 78 Karen Schulman & Helen Blank, *National Women's Law Center, State Child Care Assistance Policies 2008: Too Little Progress for Children and Families 16* (2008), <http://www.nwlc.org/pdf/StateChildCareAssistancePoliciesReport08.pdf>.
- 79 Heather Boushey, Center for Economic Policy Research, *Tag-Team Parenting 18* (Aug. 2006), http://www.cepr.net/documents/work_schedules_2006_08.pdf.
- 80 Beth Shulman, *The Betrayal of Work: How Low Wage Jobs Fail 30 Million Americans 19-20, 37* (2003).
- 81 Rubin, *supra* note 4, at 94-95.
- 82 Sandra L. Hofferth, *Child Care, Maternal Employment, and Public Policy*, 563 *Annals of the Academy of Political & Social Science* 20, 31 (1999).
- 83 Heymann, *Forgotten Families*, *supra* note 66, at 24.
- 84 Dodson, Manuel & Bravo, *supra* note 46, at 4.
- 85 Weigt & Solomon, *supra* note 42, at 638-639.

- 86 Margaret Nelson, *Single Mothers and Social Support: The Commitment to, and Retreat from Reciprocity*, in *Families at Work: Expanding the Boundaries* 225, 233 (Naomi Gerstel, Dan Clawson, & Robert Zussman eds., 2002).
- 87 Ciabattari, *supra*, note 43, at 36.
- 88 Rachel Pruchno, *Raising Grandchildren: The Experiences of Black and White Grandmothers*, 39 *The Gerontologist* 209, 209 (1999).
- 89 Lina Guzman, *The Use of Grandparents as Child Care Providers 1* (NSFH Working Paper No. 84, 1999), available at <http://www.ssc.wisc.edu/cde/nsfhw/nsfh84.pdf>.
- 90 *Id.*
- 91 Harriet B. Presser & Amy G. Cox, *The Work Schedules of Low-Income American Women and Welfare Reform*, *Monthly Lab. Rev.* 26 (April 1997).
- 92 Harriet B. Presser, *Toward a Twenty-four Hour Economy*, 248 *Science* 1779 (1999).
- 93 Weigt & Solomon, *supra* note 42, at 640.
- 94 Heymann, *Inequalities at Work and at Home*, *supra* note 48, at 102 (20 percent of women in lowest-income quartile).
- 95 *Id.*
- 96 John Halpin, et al., *Battle of the Sexes Gives Way to Negotiations*, in *The Shriver Report*, *supra* note 19.
- 97 Heymann, *Forgotten Families*, *supra* note 66, at 137.
- 98 Thorne, *supra* note 60, at 168-9.
- 99 Susan Clampet-Lundquist et al., *"Making a Way Out of No Way": How Mothers Meet Basic Family Needs While Moving from Welfare to Work*, in *Work-Family Challenges for Low-Income Parents and Their Children* 203, 218-19 (Ann C. Crouter & Alan Booth eds., 2004).
- 100 Weigt & Solomon, *supra* note 42, at 638-39.
- 101 Nelson, *supra* note 86, at 233.
- 102 Clampet-Lundquist et al., *supra* note 99, at 217.
- 103 Henly & Lyons, *supra* note 73, at 699-700.
- 104 Jeffrey Capizzano & Gina Adams, *Children in Low-Income Families Are Less Likely to Be in Center-Based Child Care 2 tbl.1* (Urban Institute *Snapshots of America's Families* No. 16, 2003), available at http://www.urban.org/UploadedPDF/310923_snapshots3_no16.pdf.
- 105 Ajay Chaundry, *Putting Children First: How Low-Wage Mothers Manage Child Care* 62 (2004).
- 106 Thorne, *supra* note 60, at 169.
- 107 Amy Armenia, *"More than Motherhood": Reasons for Becoming a Family Day Care Provider*, 30 *J. Fam. Issues* 554, 562 (2009).
- 108 *Id.* at 565-67.
- 109 Lucie White, *Quality Child Care for Low-Income Families: Despair, Impasse, Improvisation*, in *Hard Labor: Women and Work in the Post-Welfare Era*, 116 (Joel F. Handler & Lucie White eds. 1999).
- 110 U.S. Census Bureau, *Who's Minding the Kids? Child Care Arrangements: Summer 2006*, Tbl. 4: *Children in Self-Care, by Age of Child, Employment Status of Mother, and Selected Characteristics for Children Living (2006)*, available at <http://www.census.gov/population/socdemo/child/table-2006/tab04.xls>
- 111 Heymann, *Forgotten Families*, *supra* note 66, at 91; U.S. Census Bureau, *A Child's Day: 2004 (Selected Indicators of Child Well-Being)*, Tbl. D30: *Neighborhood Characteristics—Characteristics of Families and Households with Children Under 18: 2004 (2008)*, http://www.census.gov/population/socdemo/well-being/2004_detailedtables/04tabD30.xls (bad influence)
- 112 U.S. Census Bureau, *supra* note 114, at Tbl. D29: *Neighborhood Characteristics—Characteristics of Children Under 18 and Designated Parents: 2004*, http://www.census.gov/population/socdemo/well-being/2004_detailedtables/04tabD29.xls.
- 113 See e.g., Nancy L. Marshall et al, *Wellesley Centers for Women and Abt Associates Inc., The Cost and Quality of Full Day, Year-round Early Care and Education in Massachusetts: Preschool Classrooms*, Executive Summary 4-5 (2001), available at <http://www.abtassociates.com/reports/ES-Cost-Quality.pdf> (child care centers serving low-income children were less likely to provide good-quality care than child care centers serving moderate- and high-income children); *United Way of Southeastern Pennsylvania and School District of Philadelphia, Improving School Readiness Project, Early to Rise: Improving the School Readiness of Philadelphia's Young Children* (2001) (same).
- 114 Mona Basta, *The Difficulty of Obtaining a Child Care Subsidy: Implications for Policy and Practice*, 88 *Families in Society* 427, 431 (2007).
- 115 Lisa Dodson, *Don't Call Us Out of Name: The Untold Lives of Women and Girls in Poor America* 170 (1999).
- 116 State of New York, *Rochester Psychiatric Center*, 87 LA 725 (Babiskin, 1986), quoted in Williams, *One Sick Child Away from Being Fired*, *supra* note 26, at 15-16.
- 117 *Id.*
- 118 *Id.*
- 119 Henly, Shaefer & Waxman, *supra* note 27, at 623.
- 120 Lambert, *supra* note 34.
- 121 Tenneco Packaging Burlington Container Plant, 112 LA 761 (Kessler, 1999).
- 122 *Id.*
- 123 *Id.* at 766.
- 124 *Id.*
- 125 Henly, Shaefer & Waxman, *supra* note 27, at 620.
- 126 Kris Maher, *Wal-Mart Seeks New Flexibility in Worker Shifts*, *Wall Street Journal*, Jan. 3, 2007.
- 127 Liza Featherstone, *Starbucks Blues: Lean Times and Labor Pains Are Tarnishing the Coffee Giant's Image*, *Slate: The Big Money*, Oct. 29, 2008.
- 128 Lisa Clemons-Cope, et al., *The Urban Institute, Access to Employer-Sponsored Health Insurance among Low-Income Families: Who Has Access and Who Doesn't?* (2007), http://www.urban.org/UploadedPDF/411533_fringe_benefits.pdf.
- 129 Susan J. Lambert & Anna Haley-Lock, *The Organizational Stratification of Opportunities for Work-Life Balance: Addressing Issues of Equality and Social Justice in the Workplace*, 7 *Community, Work & Family* 179, 188 (2004).
- 130 Avis Jones-DeWeever et. al., *Inst. For Women's Pol'y Research, Before and After Welfare Reform: The Work and Well-Being of Low-Income Single Parent Families* 14, <http://www.iwpr.org/pdf/D454.pdf> (single mothers); Julia Lane, *The Low-Wage Labor Market: Challenges and Opportunities for Economic Self-Sufficiency, The Role of Job Turnover in the Low-Wage Labor Market* (2000), available at <http://aspe.hhs.gov/HSP/lwlm99/lane.htm> (high-school drop-outs).
- 131 Swanberg, *supra* note 37.
- 132 Harriet B. Presser, *Working in a 24/7 Economy: Challenges for American Families 77-78* (2005).
- 133 *Id.* at 65.
- 134 Henly, Shaefer & Waxman, *supra* note 27, at 610.
- 135 Presser, *supra* note 132, at 15.
- 136 Garry G. Mathiason et al., *The Emerging New Workforce: Employment and Labor Law Solutions for Contract Workers, Temporaries, and Flex-Workers*, *The Littler Report*, Littler Mendelson, P.C., April 2009.
- 137 Presser, *supra* note 132, at 183.
- 138 Henly, Shaefer & Waxman, *supra* note 27, at 618.
- 139 *Id.* at 610.
- 140 *Id.* at 621.

- 141 Dodson, Manuel & Bravo, *supra* note 46, at 18.
- 142 *Id.*
- 143 Heymann, *Inequalities at Work and at Home, supra* note 48, at 89, 102.
- 144 WFD Consulting, Corporate Voices for Working Families, Workplace Flexibility for Lower Wage Workers 17 (Oct. 2006).
- 145 *Id.*
- 146 *Id.* at 622.
- 147 *Id.*
- 148 Alfred A. Young, *The Work-Family Divide for Low-Income African Americans, in The Changing Landscape of Work and Family in the American Middle Class 100* (Elizabeth Rudd & Lara Descartes eds., 2008).
- 149 Bravo, *supra* note 17, at 179.
- 150 Dodson, Manuel & Bravo, *supra* note 46, at 15.
- 151 Heymann, *Inequalities at Work and at Home, supra* note 48, at 89, 102.
- 152 Naomi Gerstel & Katherine McGonagle, *Job Leaves and the Limits of the Family and Medical Leave Act: The Effects of Gender, Race, and Family*, 26 *Work and Occupations* 510, 525 (1999).
- 153 Sarah Fass, National Center for Children in Poverty, Mailman School of Public Health, Columbia University, Paid Leave in the United States: A Critical Support for Low-Wage Children and Their Families (Mar. 2009), http://www.nccp.org/publications/pdf/text_864.pdf.
- 154 Dodson, Manuel & Bravo, *supra* note 46, at 15.
- 155 See e.g. United States General Accounting Office, Contingent Workers: Incomes and Benefits Lag Behind the Rest of the Workforce, <http://www.gao.gov/archive/2000/he00076.pdf>.
- 156 Bravo, *supra* note 17, at 178-179.
- 157 AFL-CIO, Family Friendly Work Schedules, <http://www.aflcio.org/issues/work-family/workschedules.cfm> (62 percent and 31 percent respectively).
- 158 Henly, Shafer & Waxman, *supra* note 27, at 626.
- 159 Weigt & Solomon, *supra* note 42, at 636.
- 160 Dodson, Manuel & Bravo, *supra* note 46, at 15.
- 161 *Id.*
- 162 *Id.* at 17-18.
- 163 Confidential Telephone Calls to Center for WorkLife Law Hotline.
- 164 Carr v. Barnabey's Hotel, 23 Cal. App. 4th 14, 18-19 (Cal. Ct. of App. 2d Dist 1994).
- 165 EEOC v. J.H. Hein Corp, 2009 U.S. Dist. LEXIS 49609 (N.D. Ind. 2009)
- 166 Rosales v. Keyes Co., 2007 WL 29245 (S.D.Fla. 2007).
- 167 Fisher v. Rizzo Bros. Painting Contractors, Inc., 2005 U.S. Dist. LEXIS 31901 (E.D.Ky 2005); U.S. Bureau of Labor Statistics, Economic News Release, Table A6: Selected Employment Indicators, <http://www.bls.gov/news.release/empst106.htm>.
- 168 Swanberg, *supra* note 37 (15 percent); U.S. Bureau of Labor Statistics, Economic News Release, Table A-13: Persons not in the labor force and multiple jobholders by sex, seasonally adjusted, <http://www.bls.gov/news.release/empst113.htm> (5 percent).
- 169 Dodson, The Moral Underground, *supra* note 51, at 90
- 170 *Id.* at 91.
- 171 Netsy Firestein, Labor Project for Working Families, A Job and a Life: Organizing and Bargaining for Work Family Issues 7 (2005), *available from* <http://www.working-families.org/learnmore/guides.html>.
- 172 See also Joan C. Williams, Reshaping the Work-Family Debate: Why Men and Class Matter (forthcoming 2010).
- 173 Williams, Unbending Gender, *supra* note 24, at 29.
- 174 Mishel, Bernstein & Shierholz, *supra* note 8, at 46.
- 175 *Id.*, at Tbl. 3.16: Real hourly wage for men by education, 1973-2007 (2007 dollars), *available to download at* http://www.stateofworkingamerica.org/tabfig_2008_03.html.
- 176 Ruy Teixeira & Joel Rogers, America's Forgotten Majority: Why the White Working Class Still Matters 55-56 (2000).
- 177 Mishel, Bernstein & Shierholz, *supra* note 8, at 160.
- 178 *Id.* at Tbl. 3.16: Real hourly wage for men by education, 1973-2007 (2007 dollars), *available to download at* http://www.stateofworkingamerica.org/tabfig_2008_03.html.
- 179 It's important to note, however, that one did not necessarily cause the other. The wages of middle- and upper-class men did not fall at all or as much as for lower-class men, thus the increase in women's labor supply is not necessarily due to wives needing to make up for the declining earnings of their husbands. See Chinhui Juhn & Kevin M. Murphy, National Bureau of Economic Research, Wage Inequality and Family Labor Supply (1996).
- 180 See Williams, Unbending Gender, *supra* note 24; Alice Kessler-Harris A Woman's Wage: Historical Meanings and Social Consequences (1990); Nancy F. Cott, The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835 (1977) (family wage); Hedrick Smith, *Juggling Work and Family* (PBS 2000), *transcript available at* <http://www.hedricksmith.com/PBSDoc/jugglingWorkTranscript.shtml>; Williams, One Sick Child Away from Being Fired, *supra* note 26, at 4 (could be fired for being a few minutes late).
- 181 Rubin, *supra* note 4, at 94.
- 182 William Julius Wilson, When Work Disappears: The World of the New Urban Poor (1996); Lois Weiss, Working Class Without Work: High School Students in A De-Industrializing Economy (1990).
- 183 This data is for married fathers.
- 184 Anita Iltta Garey, Weaving Work and Motherhood 123 (1999).
- 185 *Id.* at 117.
- 186 Blanche Grosswald, "I Raised My Kids on the Bus": Transit Shift Workers' Coping Strategies for Parenting 10 (Center for Working Families, University of California, Berkeley, Working Paper No. 10, 1999), *available at* <http://wfnetwork.bc.edu/berkeley/papers/10.pdf>.
- 187 See generally Bravo, *supra* note 17.
- 188 Audience member comment at Center for WorkLife Law event (Spring 2009).
- 189 Williams, Reshaping the Work-Family Debate, *supra* note 172, at Chapter 5.
- 190 Julie Bettie, Women Without Class: Girls, Race, and Identity 13-14 (2002) (joy ride).
- 191 Michèle Lamont, The Dignity of Working Men: Morality and the Boundaries of Race, Class, and Immigration 23-28, 132-36 (whites), 46-51, 142-46 (blacks) (2000).
- 192 American Federation of Laborers-Congress of International Organizations (AFL-CIO), Bargaining Fact Sheet: Control Over Work Hours and Alternative Schedules 1 (2001), *available at* <http://www.aflcio.org/issues/workfamily/upload/work-hours.pdf> (66 percent and 51 percent respectively).
- 193 Will Friedman & Jill Casner-Lotto, Work in America Institute, Time is of the Essence: New Scheduling Options for Unionized Employees 3 (2003), *available at* <http://www.laborproject.org/publications/pdf/time.pdf>. (29 percent).
- 194 Michael J. Siano, *Work/Family Conflict, Issues, Solutions*, In Transit, March/April 2005.
- 195 Naomi Gerstel & Dan Clawson, *Union's Responses to Family Concerns, in Families at Work, Expanding the Bounds 317, 326* (Naomi Gerstel, Dan Clawson & Robert Zussman, eds., 2001).
- 196 Bureau of Labor Statistics, Economic News Release, Union Members in 2008 (Jan. 28, 2009), <http://www.bls.gov/news.release/union2.n0.htm>
- 197 Kauf Fiber Glass, 81 LA 333, 337 (Abrams, 1983).
- 198 UPS database: UPS, case no. 97-222(B) (McKay, 1998)(arbitrator upheld the grievant's discharge, pointing to an established arbitral history of discharge for "stolen time" and faulting grievant for lying when he claimed overtime rather than admitting he had not been at work for part of the regular workday).

- 199 Maureen Perry-Jenkins, *Work in the Working Class: Challenges Facing Families, in Work, Family, Health, and Well-Being* 453 (Suzanne Bianchi, Lynne Casper & Rosalind Berkowitz King, eds., 2005).
- 200 *Id.* at 460.
- 201 *Id.* at 463.
- 202 *Id.*
- 203 The worker was denied leave because he had not given 30 days' notice. The arbitrator found it "very significant" that others had been granted leave without giving such notice.
- 204 Boise Cascade Corp., Insulate Div. International, 77 LA 28 (Fogelberg, 1981) (arbitrator reinstated, on probation and without back pay, the father of a handicapped son who was fired after ten years of employment whose absenteeism stemmed from his need to take his son to specialists' appointments and to an on-the-job injury).
- 205 State of NY, Dept. of Correctional Services, 89 LA 122 (Handsaker, 1987)(arbitrator imposed a fine upon and reinstated a correctional officer who had been discharged for absenteeism due to caring for his wheelchair-bound step-son).
- 206 ATU database: Massachusetts Bay Transportation Authority (Hodlen, 2001) (arbitrator upheld the discharge of a male train operator with a diabetic son).
- 207 Budget Rent-A-Car Systems, 115 LA 1745 (Suardi, 2001)(arbitrator upheld the discipline of a male rental car shuttle driver after he failed to obtain necessary medical documentation to get FMLA leave).
- 208 ATU database: Chicago Transit Authority, case no. 99-155 (Patterson, 2001) (arbitrator reinstated a bus driver, father of a disabled child, discharged for absenteeism after his daughter was born).
- 209 ATU database: Massachusetts Bay Authority (Dunn, 2000)(arbitrator upheld a three-day suspension of a motor person on the Boston Red Line whose persistent tardiness stemmed largely from the fact that either he or his wife had to be up at night to care for their young daughter with special needs).
- 210 CWA database: U.S. West Communications, Inc., case no. 7-95-93 (Rinaldo, 1999) (arbitrator reinstated telephone workers who were dismissed for monitoring phone calls when they were concerned about their suicidal children); ATU database: Transit Management of Decatur (Perkovich, 1998) (arbitrator upheld a five-day suspension of a bus operator after the operator was not given a personal day when she had to care for a suicidal daughter).
- 211 Chicago Tribune Co., 119 LA 1007 (Nathan, 2003)(arbitrator reinstated the grievant after holding that her oversleeping, which led to her tardiness, was an FMLA-qualified event because it resulted from exhaustion from her responsibilities as primary caregiver for her mother).
- 212 ATU database: Chicago Transit Authority, case no. 98-080 (Goldstein, 1997) (arbitrator reinstated without back pay a 14-year employee when he failed to report to work because he did not want to leave his children with his pregnant wife after she broke the phone in a fit of rage).
- 213 Central Beverage, 110 LA 104 (Brunner, 1998)(arbitrator held that unilateral change of grievant's working hours violated the contract).
- 214 ATU database: *Transit Management of Decatur*, *supra* note 210.
- 215 Jefferson Partners, 109 LA 335 (Bailey, 1997)(arbitrator reduced a father's discharge to a one-month suspension for refusing to take an assignment because he had to pick up his daughter).
- 216 Ashland Oil, Inc., 91 LA 1101 (Volz, 1988)(arbitrator reduced a three-day suspension to one day for carpenter who left job early to pick up his child from day care).
- 217 Piedmont Airlines, Inc., 103 LA 751 (Feigenbaum, 1994)(arbitrator upheld a flight attendant who refused an extra flight because she could not arrange child care on short notice suspension; the grievant stated that "her husband would have had to leave work early"); *See also* U.S. Steel Corp., Southern Steel Division, 95 LA 610 (Das, 1990)(arbitrator sustained the grievant's suspension for failure to report to mandatory overtime due to child care difficulties); Southern Champion Tray, 96 LA 634 (Nolan, 1990)(worker made no alternate arrangements to pick his son up from school because he believed his wife would not be able to leave work early as she had done previously).
- 218 CWA database: General Telephone Company of Indiana, case no. 5-80-934 (Walt, 1981)(arbitrator reinstated the grievant who was terminated after not attending an out-of-town training program that began the day she returned from child care leave).
- 219 Elizabeth Rudd & Lawrence S. Root, "We Pass the Baby Off at the Factory Gates": *Work and Family in the Manufacturing Midwest*, in *The Changing Landscape of Work and Family in the American Middle Class* 61, 69-60 (2008).
- 220 Gornick & Meyers, *supra* note 6, at 247.
- 221 Bryant v. Bell Atlantic Maryland, 288 F.3d 124 (4th Cir. 2002).
- 222 *Id.* at 129.
- 223 Interlake Material Handling Div., Interlake Conveyors, 113 LA 1120 (Lalka, 2000)(arbitrator reinstated grievant when he was not allowed to show that he needed to stay home because his son was sick). For other tag team families, see Marion Composites, 115 LA 95 (Wren, 2001) (arbitrator reduced the grievant's suspension to a written warning and awarded him back pay after the grievant was suspended for insubordination for leaving after eight hours of a 12-hour overtime shift to care for his children); Sutter Roseville Medical Center, 116 LA 621 (Staudohar, 2001)(arbitrator upheld the discharge of a nuclear medicine technician who was charged with insubordination by a new supervisor after refusing to be placed on standby because he lived far away and had to care for his son); *U.S. Steel Corp.*, *supra* note 217; ATU database: *Chicago Transit Authority*, *supra* note 208.
- 224 Dan Clawson, Naomi Gerstel, & Dana Huyser, *Work Time, Class, and Gender in Four Medical Occupations*, in *The Future of Work in Massachusetts* 163, 172 (Tom Juravich ed., 2007).
- 225 Tractor Supply Co., 2001 WL 1301335 (Dichter, 2001)(arbitrator reinstated the grievant who had been discharged for insubordination for refusing to work overtime because he had to care for his grandson).
- 226 *Marion Composites*, *supra* note 223.
- 227 *Id.*
- 228 The boy's father worked as the only manager on duty during the evening, had joint custody of his 18-month old, and, because of the boy's medical condition, the court required that the child be cared for by a family member.
- 229 Arbitrator Dichter emphasized the worker's failure to explain why he could not stay, but he found that the discharge was unreasonable in the face of the worker's need to care for the child, and the confusion concerning notice the day before. He reduced the penalty to a 30-day suspension, without back pay.
- 230 The worker claimed at the hearing that he had so informed his supervisor, but this claim was inconsistent with a prior statement, and the arbitrator did not believe it.
- 231 City of Columbus, 96 LA 32 (Mancini, 1990)(arbitrator sustained grievant's suspension).
- 232 CWA database: GTE California, Inc., case no. 11-91-86 (Miller, 1992)(arbitrator overturned grievant's dismissal because the employee was entitled to leave rather than obeying the supervisor's order and filing a grievance later because her situation was covered by a rule concerning safety).
- 233 If more than one person wanted to avoid overtime work on a given day, the rule was that they had to agree which of them would not work overtime. If they could not agree, then both had to work overtime.
- 234 *Id.*
- 235 Williams, *One Sick Child Away from Being Fired*, *supra* note 26, at 15 (2006).
- 236 CWA Local 7060 & Cable Systems International Inc., case no. 7-96-32 (Anthony, 1996).
- 237 *Allied Paper*, 80 LA 435 (Mathews, 1983)(arbitrator reduced the suspension to a written warning).
- 238 *Id.* at 448.
- 239 Walsh v. National Computer Systems, Inc. 332 F.3d 1150 (8th Cir. 2003).
- 240 Dailey v. City of Jacksonville, 2005 U.S. Dist. LEXIS 31946 (E.D. Ark. 2005).
- 241 Washington v. Ill Dep't of Revenue, 420 F.3d 658 (7th Cir.2005).
- 242 Stansfield v. O'Reilly Automotive, Inc. 2006 U.S. Dist. LEXIS 31640 (S.D. Tex. 2006) (automotive store worker); Carsillo v. City of Lake Worth, 995 So.2d 1118 (Fla. App.2008) (paramedic in fire department); EEOC v. Akal Security Inc., 2009 US Dist LEXIS 65571 (2009) (security guards); *Also see e.g.*, Bell v. Cabela's, 2008 U.S. Dist. LEXIS 73852 (N.D.W.Va. 2008).

- 243 American Civil Liberties Union (ACLU), *ACLU Victory in Lochren v. Suffolk County* (June 5, 2006), <http://www.aclu.org/womens-rights/aclu-victory-lochren-v-suffolk-county> (discussing *Lochren v. Suffolk County*).
- 244 Wells v. City of Montgomery, Ohio 2006 U.S. Dist. Lexis 23013 (S.D. Ohio 2006).
- 245 Knussman v. Maryland, 272 F.3d 625 (4th Cir. 2001).
- 246 Maria P. Gonzalez, *Middle Class Squeezed Out of Child-Care, Preschool*, Walla Walla Union-Bulletin, Nov. 16, 2008, available at http://www.union-bulletin.com/articles/2008/11/16/local_news/0811162childcare.txt.
- 247 United States Department of Health and Human Services, *Head Start Family Income Guidelines for 2007*, http://eclkc.ohs.acf.hhs.gov/hslc/Programpercent20Designpercent20andpercent20Management/Headpercent20Startpercent20Requirements/IMS/2007/resour_ime_119a1_032107.html.
- 248 National Association of Child Care Resource and Referral Agencies, *Parents and the High Price of Child Care: 2009 Update 14* (2009), available at <http://www.naccra.org/publications/naccra-publications/parents-and-the-high-price-of-child-care-2009> (annual cost of child care for a four-year old in an accredited child care center).
- 249 Tax Policy Center, *supra* note 40.
- 250 26 U.S.C. §§ 106, 125 (2006); U.S. Office of Personnel Management, *Federal Flexible Spending Account (FSAFEDS)*, Information About Your FSAFEDS Choices, <https://www.fsaheads.com/FSAFEDS/Popup/OpenSeason.asp>.
- 251 O'Leary & Kornbluh, *Family Friendly for All Families*, *supra* note 19.
- 252 Maureen Perry-Jenkins, *Work in the Working Class: Challenges Facing Families, in Work, Family, Health, and Well-Being* 453, 465 (2005) (citing D.A. Phillips et al., *Child Care for Children in Poverty: Opportunity or Inequity*, 65 Child Development 472-492 (1994)).
- 253 Rubin, *supra* note 4, at 93.
- 254 *Id.* at 93.
- 255 Naval Air Rework Facility, 86 LA 1129 (Hewitt, 1986)(arbitrator upheld the discharge of grievant who was denied sick leave to care for a child with chicken pox); *Piedmont Airlines Inc.*, *supra* note 217, at 753; Southern Champion Tray Co., 96 LA 633 (Nolan, 1991)(arbitrator upheld the discharge of a mechanic whom he faulted for failing to make back-up child care arrangements after two warnings from his supervisor that he needed to do so); *Sutter Roseville Medical Center*, *supra* note 224; Town of Stratford, 97 LA 513 (Stewart, 1991)(arbitrator upheld a five-day suspension of a police officer when she failed to report for an "orderback" because she could not without notice find child care).
- 256 *U.S. Steel Corp.*, *supra* note 217.
- 257 Princeton City School District Board of Education, 101 LA 789 (Paolucci, 1993) (arbitrator held that the personal day should have been granted after grievant was denied leave when her child day care provider became sick).
- 258 *Tractor Supply Co.*, *supra* note 227.
- 259 Department of Veterans Affairs Medical Ctr., 100 LA 233 (Nicholas, 1992)(arbitrator reduced a fourteen day suspension to five days).
- 260 Board of Education of the Margaretta Local School District, 114 LA 1057 (Franciewicz, 2000) (arbitrator reduced the grievant's suspension to 10 days).
- 261 Simpson v. District of Columbia Office of Human Rights, 597 A.2d 392 (D.C. Cir. 1991).
- 262 Chicago Tribune Co., 119 LA 1007 (Nathan, 2003)(arbitrator reinstated the grievant after holding that her oversleeping, which led to her tardiness, was an FMLA-qualified event because it resulted from exhaustion from her responsibilities as primary caregiver for her mother).
- 263 ATU database: Chicago Transit Authority, case no. 96-080 (Goldstein, 1997) (arbitrator upheld the discharge of a single mother whose tardiness stemmed primarily from her need to unhook her son, who had Crohn's disease, from his IV, bandage him, administer medication, get him off to school, take two buses to take her toddler to his babysitter, and then take a third bus to work).
- 264 ATU database: Chicago Transit Authority, case no. 97-0166 (Hayes, 1999) (arbitrator reinstated a female bus driver with no loss of seniority, but put her on probation and gave her partial back pay, after she was discharged because of absences due to a flat tire, a family funeral, misunderstandings about a vacation day and extra board duty, a suspended driver's license, and time lost spent taking her son to a high school placement test).
- 265 *Interlake Material Handling Div.*, *supra* note 223.
- 266 Boise Cascade Corp., *Insulte Div. International*, 77 LA 28 (Fogelberg, 1981) (arbitrator reinstated, on probation and without back pay, the father of a handicapped son who was fired after ten years of employment whose absenteeism stemmed from his need to take his son to specialists' appointments and to an on-the-job injury).
- 267 State of NY, Dept. of Correctional Services, 89 LA 122 (Handsaker, 1987)(arbitrator imposed a fine upon and reinstated a correctional officer who had been discharged for absenteeism due to caring for his wheelchair-bound step-son).
- 268 ATU database: Massachusetts Bay Transportation Authority (Hodlen, 2001) (arbitrator upheld the discharge of a male train operator with a diabetic son).
- 269 Budget Rent-A-Car Systems, 115 LA 1745 (Suardi, 2001)(arbitrator upheld the discipline of a male rental car shuttle driver after he failed to obtain necessary medical documentation to get FMLA leave).
- 270 *Tenneco Packaging, Burlington Container Plant*, *supra* note 123; Mercer County Association for the Retarded & American Federation of State, County and Municipal Employees AFL-CIO, 1996 WL 492101 (Hewitt, 1996)(arbitrator upheld a 3-day suspension of a residential worker in a home for the mentally handicapped who refused to work overtime because her husband was not at home and she could not leave her own mentally handicapped son alone).
- 271 CWA database: U.S. West Communications, Inc., case no. 7-95-93 (Rinaldo, 1999) (arbitrator reinstated telephone workers who were dismissed for monitoring phone calls when they were concerned about their suicidal children); ATU database: *Transit Management of Decatur*, *supra* note 210.
- 272 McClanahan, *supra* note 20, at 612.
- 273 Jean Oggins, *Topics of Marital Disagreement Among African-American and Euro-American Newlyweds*, Psychological Reports (2003).
- 274 ITT Industries, Night Vision Roanoke Plant, 118 LA 1504 (Cohen, 2003) (arbitrator reinstated grievant after the employer did not allow grievant to revoke her resignation that she had submitted after the employer changed its shift schedules).
- 275 *Interlake Material Handling Div.*, *supra* note 223.
- 276 CWA database: Suprenant Cable Corp., case no. 1-95-85 (Bornstein, 1995) (arbitrator reinstated grievant without back pay after he was discharged for excessive absenteeism due to caring for his son after his wife left him).
- 277 *See, e.g.*, Roger Lehecka & Andrew Delbanco, *Ivy-League Letdown*, N.Y. Times, Jan. 22, 2008, at A21.
- 278 Susan Douglas examines how the media commonly portray women as in this class but present this as the typical experience. *See Susan Douglas, Where Have You Gone Roseanne Barr?*, in *The Shriver Report*, *supra* note 19.
- 279 Joan Williams, Jessica Manvell & Stephanie Bornstein, Center for WorkLife Law, "Opt Out" or Pushed Out?: How the Press Covers Work/Family conflict 4 (2006), available at <http://www.worklifelaw.org/pubs/OptOutPushedOut.pdf>.
- 280 *See generally* Robert H. Frank, *The Winner-Take-All-Society* (1995).
- 281 Sylvia Ann Hewlett & Carolyn Buck Luce, *Extreme Jobs: The Dangerous Allure of a 70-hour Workweek*, Harvard Business Review, 4, Dec. 2006.
- 282 *Id.*
- 283 Carla Shows & Naomi Gerstel, *Fathering, Class, and Gender: A Comparison of Physicians and EMTs*, 23 Gender & Society 161 (2009).
- 284 *Id.* at 175.
- 285 *Id.* at 170.
- 286 Jacobs & Gerson, *supra* note 35, at 66-67.
- 287 Mary Blair-Loy & Amy S. Wharton., *Mothers in Finance: Surviving and Thriving*, 596 ANNALS of Amer. Academy of Political and Social Science 151, 153(2004).
- 288 Shows & Gerstel, *supra* note 283, at 172.
- 289 Jungmeen E. Kim, Phyllis Moen & Hyunjoo Min, *Well-Being, in It's about time: couples and careers* 122, 129 (Phyllis Moen ed. 2003).
- 290 *See, e.g.*, Susan W. Hinze, *Women, Men, Career and Family in the U.S. Young Physician Labor Force*, 14 The Sociology of Work 185, 191 (2004).(noting that women "are more likely to be located in patient-focused and clinically oriented medicine over research-focused and academically oriented medicine").

- 291 Christine Percheski, *Opting Out? Cohort Differences in Professional Women's Employment Rates from 1960 to 2005*, 73 *American Sociological Review* 497, 506 (2008).
- 292 Marianne Cooper, *Being the "Go-To Guy": Fatherhood, Masculinity, and the Organization of Work in Silicon Valley*, in *Families at Work: Expanding the Bounds* 5, 7 (Naomi Gerstel et al. eds., 2002).
- 293 Cynthia Fuchs Epstein et al., *The Part-Time Paradox* 4 (1999).
- 294 Shows & Gerstel, *supra* note 283, at 169.
- 295 Arlie Russell Hochschild, *The Time Bind: When Work Becomes Home and Home Becomes Work* 66-67 (1997).
- 296 Williams, *Unbending Gender*, *supra* note 24 at 28.
- 297 *Id.*
- 298 Shows & Gerstel, *supra* note 283, at 169.
- 299 Jacobs & Gerson, *supra* note 35, at 66.
- 300 Peter Kuhn & Fernando Lozano, *The Expanding Workweek? Understanding Trends in Long Work Hours among U.S. Men, 1979-2006*, 26 *J. Labor Econ.* 311, 325-30 (2008).
- 301 *Id.* at 335-38.
- 302 Cynthia Fuchs Epstein et al., *The Part-Time Paradox* 4 (1999).
- 303 Women's Bar Association of Massachusetts, *More than Part-Time: The Effect of Reduced-Hours Arrangements on the Retention, Recruitment, and Success of Women Attorneys in Law Firms* (2000), available at <http://womenlaw.stanford.edu/mass.rpt.html>.
- 304 Jennifer Glass, *Blessing or Curse?: Work-Family Policies and Mother's Wage Growth Over Time*, 31 *Work and Occupations* 367, 387 (2004).
- 305 Pamela Stone, *Opting Out?: Why Women Really Quit Careers and Head Home* 92 (2008).
- 306 *Id.* at 81.
- 307 See e.g. Adam B. Butler & Amie Skattebo, *What is Acceptable for Women May Not Be for Men: The Effect of Family Conflicts With Work on Job Performance Ratings*, 77 *Journal of Applied Social Psychology* 553 (2004); Julie Holliday Wayne & Bryanne L. Cordeiro, *Who Is a Good Organizational Citizen? Social Perception of Male and Female Employees Who Use Family Leave*, 49 *Sex Roles* 233 (2003).
- 308 Confidential Interview with Joan C. Williams, Director, Center for WorkLife Law (Feb., 2006).
- 309 Annette Lareau, *Unequal Childhoods: Class, Race, and Family Life* 35 (2003).
- 310 Howard Chudacoff, *Children at Play: An American History* 181, 207 (2007) (safeguard, enrich and entertain; adult-created activities); Lareau, *supra* note 309, at 238, 61, 241-242, 39 (2003) (spontaneous play; hovered over them; perform in public; activities replicate workplace); see Paul Willis, *Learning to Labor: How Working Class Kids Get Working Class Jobs* (1981) (children learning to labor).
- 311 Lareau, *supra* note 309, at 250 (adult life as hard and pressured), 251 (I think he's not a child, dead-dog tired), 77 (sibling rivalry).
- 312 See Alice H. Eagly & Linda L. Carli, *Through the Labyrinth: The Truth About How Women Become Leaders* 53, 54 (2007) (employed mothers' time interacting with children); W. Jean Yeung, John F. Sandberg, Pamela Davis-Kean & Sandra Hofferth, *Children's Time with Fathers in Intact Families*, 63 *Journal of Marriage and the Family* 136, 142, 145 (2001) (mothers spend more time on children's activities).
- 313 Lareau, *supra* note 309, at 251.
- 314 Suzanne Bianchi et al., *Is Anyone Doing the Housework? Trends in the Gender Division of Household Labor*, 79 *Social Forces* 191 (2000) (86 percent as much time with children, 82 percent as much child care); Eagly & Carli, *supra* note 312, at 24, 54 (only five hours a week more).
- 315 Ellen Galinsky, *Ask the Children: What Americas Children Really Think About Working Parents* 67 (1999).
- 316 Scott J. Cech, *Academic Pressure on Rise for Teens, Poll Finds*, *Education Week*, Aug. 5, 2008, available at http://www.edweek.org/login.html?source=http://www.edweek.org/ew/articles/2008/08/05/45youth_web.h27.html&destination=http://www.edweek.org/ew/articles/2008/08/05/45youth_web.h27.html&levelId=2100.
- 317 Garey Ramey & Valerie A. Ramey, *The Rug Rat Race* (National Bureau of Economic Research Series, Working Paper 15284, Aug. 2009), available at <http://www.nber.org/papers/w15284>.
- 318 Phyllis Moen and Stephen Sweet, *Time Clocks: Work-Hour Strategies, in It's about time: couples and careers* 17, 24 (Phyllis Moen ed., 2003).
- 319 *Id.* at 26.
- 320 Youngjoo Cha, *Reinforcing the "Separate Spheres" Arrangement: The Effect of Spousal Overwork on the Employment of Men and Women in Dual Earner Households* 25 (Mar. 26, 2009) (unpublished Ph.D. dissertation, Cornell University) (on file with author).
- 321 Stone, *supra* note 305, at 62.
- 322 Moen & Sweet, *supra* note 318, at 39.
- 323 Stone, *supra* note 305, at 48 (on role of lack of child care).
- 324 Willams, Manvell & Bornstein, *supra* note 279, at 39.
- 325 Mona Harrington & Helen Hsi, MIT Workplace Center, *Women Lawyers and Obstacles to Leadership: A Report of MIT Workplace Center Surveys on Comparative Decisions and Attrition Rates of Women and Men in Massachusetts Law Firms* 16 (2007).
- 326 See Hanna Papanek, *Men, Women, & Work: Reflections on the Two Person Career*, 78 *American Journal of Sociology* 852 (1973).
- 327 Harvard Women's Law Association, *Presumed Equal: What America's Top Women Lawyer's Really Think About Their Firms* 72 (1995), quoted in Deborah L. Rhode, *Myths of Meritocracy*, 65 *Fordham L. Rev.* 585, 588 (1996).
- 328 Shelley J. Correll, Stephen Benard, & In Paik, *Getting a Job: Is There a Motherhood Penalty?*, 112 *American Journal of Sociology* 1297, 1316, 1326. (2007).
- 329 *Trezza v. Hartford, Inc.*, 1998 U.S. Dist. LEXIS 20206 (S.D.N.Y. 1998).
- 330 Belkin, *supra* note 3.
- 331 *Lust v. Sealy, Inc.*, 383 F.3d 580, 583, 586 (7th Cir. 2004).
- 332 *Bruin v. Mills College* 2007 WL 419783 (college administrator); *Nasti v. CIBA Specialty Chems. Corp.* 2006 U.S. Dist. LEXIS 97147 (global account executive); *Capruso v. Hartford Financial Services Group, Inc.*, 2003 WL 1872653 (S.D.N.Y. 2003) (staff attorney); Anya Sostek, *EEOC to Look at Discrimination Based on Family Responsibilities*, *Pittsburgh Post-Gazette*, May 23, 2007, available at <http://www.post-gazette.com/pg/07143/788104-28.stm> (chemical engineer); *Fisher v. Vassar College*, 70 F.3d 1420 (2d Cir. 1995) (college professor).
- 333 *Connor v. Sun Trust Bank* 2008 U.S. Dist. LEXIS 16917 (bank vice president); *EEOC v. Midwest Emergency Assocs.* 2008 U.S. Dist. LEXIS 6328 (assistant medical director); *Bridges v. Jenkins & Gilchrist* 2004 WL 2232353 (attorney on partner track); *Taylor v. Bigelow Management* 2007 U.S. App. LEXIS 17987 (hotel regional manager); *Elwell v. Google, Inc* 2006 U.S. Dist. LEXIS 3114 (national sales director).
- 334 Fair Labor Standards Act § 29 U.S.C. 201 et seq.
- 335 Brad Harrington and Jamie J. Ladge, *Got Talent? It Isn't Hard to Find*, in *The Shriver Report*, *supra* note 19.
- 336 Bob Cesca, *Keep Your Goddam Government Hands Off My Medicare!* (Aug. 5, 2009), http://www.huffingtonpost.com/bob-cesca/get-your-goddamn-governme_b_252326.html.
- 337 Karen Kornbluh, *The Parent Trap*, *The Atlantic*, Jan-Feb 2003, available at <http://www.theatlantic.com/issues/2003/01/kornbluh.htm>
- 338 U.S. Department of Labor, *Work and Elder Care: Facts for Caregivers and Their Employers, Facts on Working Women No. 98-1* (1998), available at <http://www.eric.ed.gov/ERICWebPortal/contentdelivery/servlet/ERICServlet?acno=ED418290>.
- 339 O'Leary, *How Family Leave Laws Left Out Low-Wage Workers*, *supra* note 19.

- 340 Waldfogel, *supra* note 10, at 19-20.
- 341 Charles Brown & James Medoff, *The Employer Size-Wage Effect* (National Bureau of Economic Research Working Paper No. W2870, 1989).
- 342 Heather Boushey and John Schmitt, Center for Economic and Policy Research, Issue Brief, Job Tenure and Firm Size Provisions Exclude Many Young Parents from Family and Medical Leave (June 2007), *available at* http://www.cepr.net/documents/publications/firmsize_2008_02.pdf.
- 343 U.S. General Accounting Office, Contingent Workers – Incomes and Benefits Lag Behind Those of Rest of Workforce, GAO/HEHS-00-76 (June 2000), *available at* <http://www.gao.gov/archive/2000/he00076.pdf>; Jeffrey B. Wenger, Economic Policy Institute, EPI Issue Brief No. 155 (2001), *available at* <http://www.epi.org/issuebriefs/ib155/ib155.pdf>.
- 344 Waldfogel, *supra* note 10, at 19-20.
- 345 *Id.*
- 346 Naomi Gerstel, *Giving and Taking Family Leave: Right or Privilege?* (Working Paper presented at Syracuse University Center for Policy Research, Dec. 4, 2008).
- 347 Wen-Jui Han & Jane Waldfogel, *Parental Leave: The Impact of Recent Legislation on Parents' Leave Taking*, 40(1) *Demography* 191 (2003)
- 348 U.S. Commission on Family and Medical Leave, *A Workable Balance: Report to Congress on Family and Medical Leave Policies* (1996), *available at* http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1002&context=key_workplace
- 349 James T. Bond, Ellen Galinsky & Kelly Sakai, Families and Work Institute, 2008 National Study of Employers (2009).
- 350 David Cantor et al., Westat, *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys, 2000 Update* (2001).
- 351 This data excludes firms with zero employees.
- 352 These calculations exclude firms with zero employees. U.S. Small Business Administration, Office of Advocacy, based on data provided by the U.S. Census Bureau, *Statistics of U.S. Businesses, Employer Firms, Establishments, Employment, and Annual Payroll Small Firm Size Classes, 2006* (2006), *available at* http://www.sba.gov/advo/research/us_06ss.pdf
- 353 Noah Zatz, *Working Beyond the Reach or Grasp of Employment Law*, in *The Gloves-Off Economy: Workplace Standards at the Bottom of America's Labor Market* (Annette Bernhardt, et. al., eds, 2008).
- 354 *See, e.g.*, Workforce Management, *Department of Labor Seeking More Funding for Workplace Safety Enforcement*, News In Brief, May 21, 2009, <http://www.workforce.com/section/00/article/26/44/54.php> (May 21, 2009) ("Overall, 670 people will be added to the enforcement staff, which Solis said will bring it to a level it has not reached since 2001.")
- 355 Vicky Lovell, Institute for Women's Policy Research, *No Time to Be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave* (2004), *available at* <http://www.iwpr.org/pdf/B242.pdf>.
- 356 U.S. Department of Health and Human Services, Administration for Children and Families, *Fiscal Year 2009 Federal Child Care and Related Appropriations*, http://www.acf.hhs.gov/programs/ccb/ccdf/approp_2009.htm.
- 357 Randy Albelda et al., Center for Economic and Policy Research, *Bridging the Gaps: A Picture of How Work Supports Work in Ten States* (2007).
- 358 *Id.*
- 359 For more on this issue, see Domestic Workers United, <http://www.domesticworkersunited.org>, and the Direct Care Alliance, <http://www.directcarealliance.org>.
- 360 *See, e.g.*, O'Leary, *How Family Leave Laws Left Out Low-Wage Workers*, *supra* note 19.
- 361 Memorandum from Lake Research Partners to Lisa Guide, Rockefeller Family Fund (Dec. 21, 2009) (on file with author).
- 362 David Bacon, *Unions Win When They Take the Initiative* (Aug. 24, 1997), <http://dbacon.igc.org/Strikes/07ups.htm>.
- 363 Miriam King, et. al., Minnesota Population Center, *Integrated Public Use Microdata Series, Current Population Survey: Version 2.0*. [Machine-readable database], 2009.
- 364 Heather Boushey & Joseph Wright, Center for Economic and Policy Research, *Working Moms and Child Care*, Data Brief No. 3 (May 5, 2004), *available at* http://www.cepr.net/documents/publications/child_care_2004.pdf.

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Boushey received her Ph.D. in economics from the New School for Social Research and her B.A. from Hampshire College. She has held an economist position with the Joint Economic Committee of the U.S. Congress, the Center for Economic and Policy Research, and the Economic Policy Institute, where she was a co-author of their flagship publication, *The State of Working America 2002/3*.

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