

This election season, like every election season preceding it, is all about change. Often nebulous, occasionally fanatical, change is the battle cry that, for some reason, the electorate swallows with great gulps.

So I hope to ride the tidal wave of interest in change and propose that we, as a nation of employers and employees, come together and focus on something real, something specific, something doable. If acted upon, this change could positively affect (directly or indirectly) virtually every American.

What could be so big, so obvious, so needed? Changing our antiquated labor laws. Written in the 1930s with good intentions to protect workers, these outdated laws now hurt the very individuals they originally helped.

To understand why the current labor laws are so detrimental to both workers and employers, one only has to look at real life scenarios:

1) Sue needs to take her aging mother to a doctor's appointment, and her middle-school-age child has an orthodontist appointment. To be able to do both, Sue wants to take 4 hours from this week's 40-hour schedule and make up the hours next week. Even though her boss is fine with the arrangement, Sue's company is forced to tell her no because the current labor law, written when dads worked outside the home and moms didn't, prevents this type of flexible arrangement. Without flexible options, Sue is forced to burn a vacation day or take leave without pay.

2) Andrea and Chad are a young couple with two small children. Both work full-time, 40-hour-per-week jobs. What they really need is a 30-hour workweek so that they can share child-rearing responsibilities and spend less on day care. However, they cannot consider doing this because neither would be eligible for health insurance through either employer. A 40-hour workweek has been around so long we don't even question its origin. In fact, it was arbitrarily established 75 years ago when the social norm meant that employee benefits were obtained solely through the husband's employer, for whom he would work until retirement.

According to the **National Center for Policy Analysis**, workers want and need more flexible work schedules to better mesh with the societal norms of this century, and employers want to provide a more flexible workplace to keep employees satisfied and productive. However, labor laws prohibit this sensible solution.

You may be wondering why Congress has failed to act in updating our nation's labor laws. In fact, it has acted—sort of.

Congress recognized the detrimental effect of inflexible work schedules and solved it—but only for itself. In 1978 (thirty years ago), federal workers were freed of the constraints, and today, almost half of the full-time federal employees take advantage of flexible work schedules instead of overtime or leave without pay. Yet in the private sector, both small and large businesses are still hamstrung by the obsolete laws.

In an attempt to right the inequity between public and private labor laws, a bill was introduced in 1997 called the Family Friendly Workplace Act, which would have given employees and employers options in flexible workweek schedules. The bill had bi-partisan support but failed to pass because of labor union opposition.

In this case, labor unions hurt not only their own members but also every employee and employer in the private sector. Like the labor laws of the 1930s, this type of labor union mentality is outdated and based on societal norms that no longer exist.

Other aspects about labor laws dating back to the Dust Bowl are also overdue to be changed, but workplace flexibility is the place to start because it will have the greatest impact.

The status quo is especially onerous for single parents, families with children and adult children who are caring for aging parents. Therefore, it is especially hard on women workers, because they remain the primary caregivers to both children and infirm parents. **KCB**

BUSINESS PHILOSOPHY CHANGE LABOR LAWS

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COMP TIME VS. OVERTIME

"In 1995, a poll from the Employment Policy Foundation and Penn, Schoen & Berland and Associates found that, if given the choice, three out of every four American workers would choose compensatory time instead of overtime wages. It's not surprising that support for comp time reaches 81 percent among working women."

—Terry Neese, business owner and distinguished fellow, National Center for Policy Analysis

Have an opinion about labor laws? Send your thoughts to: rsmacintosh@KCBmagazine.com

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