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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Children & Families & Workforce Development (SC-CFWD)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



9to5, National Association of Working Women

207 East Buffalo Street, Suite 211, Milwaukee, Wisconsin 53202

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Companion to
SB 86.

Testimony of Jennifer Morales
Mother of three current Milwaukee Public Schools students
and former member (2001-2009) of the Milwaukee Board of School Directors
to
the Assembly Education Committee
19 May 2009

Thank you to Chairperson Pope-Roberts for holding this hearing on AB 116. The last time I was here I had the privilege of witnessing the testimony of many of my fellow parents and school board members from around the state as they made the case for school finance reform, so I appreciate the chair's continued attention to the need for policy changes that give our children what they need to succeed in school.

Like school finance reform, AB 116 open doors for children, in this case by opening doors for their parents and guardians.

In my eight years as a Milwaukee school board member, I often heard two refrains from members of the public: "If we already know what works in education, why don't you just do it?" and "Why aren't *those* parents involved in their children's education?" This bill responds to both of those questions:

"If we already know what works in education, why don't you just do it?" One thing that experienced educators know is how much difference parental involvement in school makes. When addressing every type of concern that might come up in school, from academic, to health, to disciplinary concerns, children do better when they know that there is a solid line of communication between their parents and their teachers. Ask any teacher why one of the first steps in disciplining a child is often having him or her call home. When that child knows that Teacher has Mom's phone number, and that Mom has enough of a relationship with Teacher to trust the teacher's version of the story, 9 times out of 10 that child is going to shape up. A key component in building that strong school/home relationship is the parent's presence in the school, whether it's at parent-teacher conferences or school assemblies or special classroom events.

Parent involvement works, but there are structural barriers in many jobs that keep parents from being involved in school—particularly during the class day, when it's most needed—and it's the responsibility of policymakers to address these barriers, for the public good.



The Alliance School
234 W. Galena
Milwaukee, WI 53212

May 19, 2009

Dear Representative Pope Roberts:

As the Lead Teacher, and former special education teacher, for The Alliance School in Milwaukee, I am writing this letter to express my urgent support for the AB 116. At our school, between 20 and 40% of the students are identified as having special needs. We work closely with the parents of these students to make sure that their needs are being met, through conferences, IEP meetings and Coordinated Service Team meetings. From our experience, it is absolutely clear that family involvement in the education of students is the critical difference for the majority of students when it comes to educational achievement. For students with special needs, this often means two or three IEP meetings a year, conferences four times a year and parental involvement when a child requires interventions by counselors, social workers or teams of teachers. When all of these things are working together, students progress quickly and confidently towards graduation. Unfortunately, for many families, this type of involvement is not an option because of work demands that make it impossible for them to take off work without risk of losing their jobs. Nobody should have to choose between their children's future needs (for a diploma) and their children's immediate needs (for food, safety and shelter), and this is often what parents have to do.

I am urging you to support AB 116, because I have personally witnessed the difference that parent involvement can make, and I want all parents to have that opportunity. I have also heard the pain I in parents voices when they can't make it, and I am hoping that this will make their lives just a little easier.

Thank you for your support of our families.

Sincerely,



Tina Owen
Lead Teacher, The Alliance School



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Statement by Larry Miller, School Board Director Milwaukee Public Schools In Support of the School Conference and Activities Leave May 19, 2009

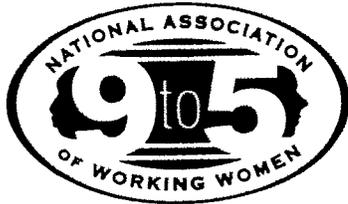
Before serving on the School Board of Milwaukee Public Schools, I was a teacher and administrator for 18 years. We hear a lot about what children need from their parents. Many business leaders and others have blasted parents of MPS students for not being more involved in their children's education and for lacking responsibility. What we don't hear is what children need from their parents' employers.

I've certainly seen parents who've failed their kids. But what I see much more is parents who care deeply about their children's education and well-being, who travel long distances to work long hours at dead-end jobs, and who have no flexibility at work when their kids need them to be at school.

As a teacher, I believe in calling parents when their child does something wrong – and also when the child excels. We try to offer variable times for parents to come to conferences. But too many parents are unable to attend school events because their employer won't allow them a little flexibility at work.

Many employers will do the right thing anyway, because they understand how this helps attract and retain employees and lower high turnover costs. We need public policy to make sure all workers have this opportunity. I strongly support the School Conference and Activities Leave as a step in this direction.





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Lila Saavedra, 9to5 Milwaukee member,
2236 S 20th St
Milwaukee, WI 53215

Testimony on Family Leave For School Activities

As a working mother and full time college student, I do not have as much time off for my daughter as I would like. It is difficult to meet with her teachers and take part in school activities because I am either attending classes or working.

It would be great to have the opportunity to take off of work for an hour or two so I can check up on my daughter in her head start program. I feel it is important for me as a mother to be able to meet with her teachers to see how she is behaving and progressing, without worrying about getting penalized from my employer.

A mother should not have to pick between checking on their child's schooling and risking the chance of being fired, a parent needs to take part in their child's life to let them know they care about their education. I know being a mother is a lot of work as is and by taking the time out with my daughter I can show her how important she is to me.





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Jennifer Cox
Milwaukee, WI
414-760-1950

Single Parent of 5

I live in Milwaukee. I am a full time youth care worker.

Right now I have 4 kids in high school in different schools, one is in K-8. You could be called in at any hour and it's very frustrating. It's difficult to balance all the different schools. I haven't been able to go to one of the kids schools and have consequentially seen attendance and behavioral problems.

I was a high school drop out. It took me 11 years to get it through a GED. Now, I stress education quality.

We need AB116 to pass. I think the 16 hours is a minimum. Any way for us as working parents to have more hours added for our involvement is needed. We want to be involved in our children's education. We want them to do well.

I was a parent volunteer for 2 years, I saw the need for more parental involvement especially teaching respect in school.

If we don't have the support system, kids will fall through the cracks. They are supposed to be our future, but so many drop out. Graduation rates have gone down. The turnover rate wouldn't be so high in high schools if parents were able to be around more. No child should be left behind and time off for conferences and activities is an important start.





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Gloria Williams
Milwaukee, WI
414-393-8153

Parent of 1 school age

I work as a home health aid. I have a flexible schedule that allows me to be involved with my child. I try to deal with on son's school on a day to day basis. I talk to the teacher almost every day and am able to attend any meetings held after school.

It's always a benefit for me to be involved because a child knows that the parent really loves them and is looking out for their best interest. The teacher is so glad to see parents at the school. It reflects on the child and the parent as well.





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Gloria Weiskotten
8973 N70 St
Milwaukee, WI 53223

I have received information that there is a School Conference and Activity Leave extension to the Family Medical Leave (AB 116). I feel as a grandparent of 9 children that it is very important for parents to be able to go to school conferences to find out what help their children need for them to do well in school.

Schools complain that not enough parents attend these conferences so we need to make it as easy as possible for parents to attend. In this economy, both parents need to work so they cannot afford a day off and to put their job at risk. It is also important that parents attend school activities to give their children support for their efforts and build a caring relationship between a parent and child.





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Viva Crepe
Milwaukee, WI

Single parent of 4 boys. 2 school age.

I am working in customer service

It's very difficult to get off of work for important things like school conferences. Not only do I loose the pay, I loose out on the significant things going on like recognition programs. I recently missed the scholastic achievements award held for my son. If I could have been allowed 2 hours away from work, it would have made a lot of difference. He mostly goes to school with more affluent mothers who are stay at home. I cannot afford to be a stay-at-home mother.

I have to go out of my way to go out of my way to prove I'm caring for my kids. It feels like I'm penalized for being a parent, a single parent.

It's necessary for many parents to leave work to attend our children's school activities.





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Porsche Humphery
5080 N 22nd St.
Milwaukee, WI
414-461-8343

Single parent of 3

I drive the school bus and have to leave my house at 4am to start my day.

My oldest daughter has a speech impairment. I need to talk to more than one teacher to accommodate her special needs. I need to be there for additional meetings to keep in the speech classes. Right now, I can't really take off work and it makes it very difficult to be there for my daughter with special needs.

With my schedule, it's tough to make the busses to and from work on time for the different meetings at my daughter's school. My work is across town from the schools.

I am doing my GED right now, and would love to see my child graduate on time despite her speech impediment.

The AB116 would help me be there for my daughter with special needs to encourage her in the areas like math and speech. I would need to still get paid, but it's very important to at least have the time off to be with my daughter and other children when they need me at the day care.

A 5 year old doesn't understand that Mommy can't be with her because of work.





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Carol Crites
Milwaukee, WI
Clergy

Parent of 1.

As a single parent especially, it was a tense situation to try and juggle between my job and my child growing up. Because I was the sole supporter, I struggled between the two when I was working in the corporate world.

I later went to seminary and became clergy. Here I had more time for school conferences at my child's school. I was able to schedule time in my day to be a parent now.

As clergy, I see the kids of parents who are struggling economically having to choose their job over their child. It's a decision they hate to make but are forced to.





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Melody Evans-Hailey
2938 W Carmen Ave.
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Parent of 3. Grandparent of 7

I work in home health care. I see all the time people who don't get any visits from family. It makes a big difference. Just like with children. I want my children to remember that their parents love them enough to participate and be there for important things at school.

Parents need to participate in their children's lives. Like person being in a nursing home needs visits to be better.

When my kids were younger, I tried to be at their school as much as I could. At that time, my husband was working AO Smith that changed to Tower Automotive for 33 years. He could never get off of work for any of the children's activities. It wasn't considered important enough to the employer. One parent can't do it all, and he was unable because of work to be there for the kids, which affected them. They didn't have their daddy at school or cheering them on.

16 hours a year to take off is better than none.

I feel like we are in bondage to our employers, like I have no rights. Sometimes parents have to be off for their kids. That's what kids remember.

As a child, you need that moral support. Parents need to be active and just the fact that you are there. Everything changes when parents are around. Time off needs to be made available to active. We will have a better society and youth will have more hope with long and short term goals if parents are involved. Kids need heroes and they are supposed to be parents. Ones that are working are working so much that they can't be the heroes. They can't afford to lose their job and their check to be short.

It has a lot to do with how a teacher treats you. If parents are there and active, the teacher knows that. Parents have to part of the solution and not the problem.





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Frantrina Harris
Milwaukee, WI

Parent of 1.

I think we need more teacher and parent communication.

I am firm believer of popping up. If you have a day off work, try to see the kid at school.

I know a lot of parents who are not able to show up at school. Parent teacher conferences are after school, but they are still not available to some parents, especially if the school is not in the neighborhood.

In my last job, I couldn't leave for a conference that was scheduled at 3 o'clock. I had to miss the conference and felt like a bad mother because I couldn't get off work.

It's hard for a lot of parents because they are at these jobs that won't let you leave to go see about their kids.

I support AB116. Parents who work need it.





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Tina Perry
Milwaukee, WI
414-750-8313

I work in health care as a CNA, both a day and a night shift. I am a parent of 3.

I have had problems getting to school if I don't know way in advance. My children bring home notes for conferences on a Friday and the meeting is scheduled on a Wednesday. I don't have enough notice in that case to get off work.

It is important to be able to take time off for my kids when they need me at school. My children will know and feel that I care when I am involved in their success at school. I want to be able to find out what's going on with them first hand.

Everyone should be able to take off and support their children at school.





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I have been teaching with Milwaukee Public Schools for more than twenty years. Throughout these years I have seen a strong correlation between parental involvement and the success of their children. Unfortunately, working parents have not had many opportunities during the course of a workday to visit their child's/children's school/s. Parents are often invited on field trips, programs at school, or classroom visits. Parents have had to either take a day off to do so, or miss these opportunities entirely.

At the present time I am teaching in a sage classroom of 15 students. Included among the 15 students are 5 children with IEPs (Individualized Education Plans), and three students who have a suspected learning/behavior problem. In other words, half of my students have special needs requiring a high degree of attention and specialized teaching. Parents are encouraged and invited to visit the classroom but seldom do. They are limited in taking time off because of work.

When parents do visit the classroom or school on a regular basis, improved skills and behavior are duly noted. Children respond positively to a parent's presence. Parents are able to interact with me and glean information that would otherwise be difficult to obtain. They can work with their child in the classroom, or work in small groups with other students. Sometimes parents can help out with a classroom task (like preparing homework, or putting up a bulletin board). A child's sense of self-esteem is always given a boost when a parent is at school for a positive reason. Motivation increases, as does a sense of pride and purpose. This is especially true of struggling students. Students who have special needs benefit the most from parental school involvement. Unfortunately, these are exactly the students whose parents experience the most difficulty in being able to take time off of work to visit their sons and daughters in school.

Many years ago when my son was in kindergarten, I took a day off to accompany his classroom to the Zoo. It was one of the best things I could have done for him that year as his parent. It was a wonderful fieldtrip. I made important connections to his teachers and peers. It was a day I will never forget. Unfortunately, when I told my principal the real reason for my absence, I was docked pay for that day. It felt as though my son and I were being punished for our time together with his class.

Please consider voting for the School Conferences and Activities Leave Bill (AB 116). Thank you for your attention.

Stili Klikizos
3941 North 62nd Street
Milwaukee, WI 53216-2110





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Rhonda Willette
2551 North 17th Street
Milwaukee, Wisconsin 53206

Mother of 8, Grandmother of 8

I presently work and have worked for a variety of non-profit organizations over the years. I have been fortunate as a divorced, single mother to have had the support of being in a workforce environment which allowed me as a parent to be involved in the growth and production of my children's education through the direct outlines of bill AB116.

Being actively involved builds a child's self esteem, encourages their growth, and keeps them out of trouble. This opens doors to teaching other adults to lead and therefore building stronger community support.

I personally know there are many empowerment events which gave my children the opportunity to shine and excel to be productive members in society. This has transferred generationally, as now some of my children are not parents themselves. I believe these are the years that build the child's most reliable support system. Having the opportunity to be involved at only 16 hours per year is not school age children's





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School Conference and Activities Leave Fact Sheet

Many working parents find it a challenge to participate in their child's education, as their jobs offer limited or no flexibility to take time off from work. Parent-teacher conferences and school visits allow a vital exchange of information regarding a child's developmental and educational progress. *School Conference and Activity Leave*, an expansion of the Wisconsin Family Medical Leave Act (FMLA) would allow parents the crucial time necessary to take part in all aspects of their child's education without imposing additional costs on employers.

- ❖ **The Challenge: Support parents' involvement in their child's education.**
Currently, many parents are only able to participate in conferences or school activities scheduled during nonworking hours; our state's FMLA does not stipulate that parents be allowed to use leave to attend their child's school conferences or school activities.
- ❖ **The Goal: Create an educational environment where children are encouraged, protected, enriched and supported by parental involvement.**
Attendance at conferences and school activities – including those for children attending daycare and pre-kindergarten – engages parents to positively impact the outcome of their child's education.
- ❖ **The Solution: Pass the School Conference and Activity Leave Bill.**
The School Conference and Activity Leave Bill would enable parents to more actively participate in their children's education. This bill allows any parent working at a business with at least 50 employees to take up to 16 hours of school conference and activities leave in a 12-month period – a solution that supports parental involvement without increasing the cost of doing business.
 - **Enhance Children's Achievement:** Decades of research shows parental involvement increases motivation, test scores and graduation rates.
 - **Prevent Harmful Behaviors in Children:** Research also establishes that parental involvement decreases instances of violent behavior and drug and alcohol use among students.
 - **Bridge Socioeconomic Gaps:** Parental involvement should not be the exclusive privilege of those families of substantial economic means. Fostering strong relationships between parents and children through widespread parental involvement will ensure all children the engagement and support they need to succeed.
 - **Advance Community Connections:** When parents and teachers come together to enhance a child's learning environment, schools improve and communities grow stronger.
 - **Sustain Local Businesses:** Family-friendly leave policies improve a business' bottom-line by helping to attract and retain workers, increasing productivity and morale, and decreasing turnover and absenteeism.
 - **Join Other States Already Supporting Parents and Children:** Wisconsin has the opportunity to join other states, including Minnesota, Illinois, California, Louisiana, Massachusetts, North Carolina, Rhode Island, Vermont, and the District of Columbia in increasing the value of our investment in education by supporting parental involvement in children's developmental and educational progress.



Parental Involvement in School Activities

"I wanted to take an extra half hour at lunchtime so I could attend my child's parent-teacher conference. My job wouldn't let me go, even if I agreed to make up the time." Tiffany Harris, Milwaukee

The Need

Many workers in Wisconsin face obstacles to being involved with their children's school activities and keeping their jobs.

- A survey of low-income Wisconsin workers revealed that 26% had no paid vacation, 57% had no paid sick leave, and 74% lacked any paid personal leave.¹
- Of parents who had a child scoring in the bottom quartile in math and reading, nearly three-quarters could not rely on flexibility at work.²
- More than one in three workers with children in the bottom quartile had held jobs in which they lacked paid sick or vacation leave.³
- When asked if there was an "unwritten rule at my place of employment that you can't take care of family needs on company time," 24% of low-wage, low-income parents agreed.⁴
- Taking unpaid leave can drop family incomes such that they fall below the poverty level.

The Benefits

- Employers rank Leave for School Functions as the work-life program most effective in reducing unscheduled employee absences.⁵
- Family leave policies increase employers' ability to recruit and retain the best employees, increase productivity and morale, decrease turnover and absenteeism.⁶
- Children's educational outcomes improve when parents are involved in school-related activities.⁷
- At least 12 other states (CA, HI, IL, LA, MA, MN, NV, NC, OK, RI, TX, VT) and the District of Columbia already have state parental leave laws.

People have had to make difficult choices between income and jobs on the one hand, and their child's education needs on the other. Workers want to support their children *and* be involved in their education. **Being a good parent should never cost you a job.**

¹ IWF, *Treading water in the New Economy: An Overview of Wisconsin's Low-Wage Working Families*: 21.

² Heymann SJ, *The Widening Gap: Why America's Working Families are in Jeopardy? and What Can Be Done About It*. New York: Basic HBooks. 2000: 54-55.

³ Ibid.

⁴ Heymann SJ, Boynton-Jarrett R, Carter P, Bond JT, Galinsky, E. *Work-Family Issues and Low-Income Families, Making Work Pay in the Low-Income Labor Market*, Summer 2002.

⁵ "2003 CCH Unscheduled Absence Survey." CCH Human Resources Group. October 2003.

⁶ Ibid.

⁷ "Indicators of Early School Success and Child Well-Being." Child Trends DataBank. 2003.



A QUALITY
EDUCATION
FOR
EVERY
CHILD



Date?

State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Testimony on 2009 Assembly Bill 116

Companion to
SB 86.

I am Assistant State Superintendent Richard Grobschmidt, speaking on behalf of State Superintendent Elizabeth Burmaster and the Department of Public Instruction, in favor of Assembly Bill 116, a bill which would allow time for employees to participate in school conferences and activities for their children.

This proposal removes barriers and creates important protections for parents to be involved in their children's education. Indeed, families are their children's most important and influential teachers. Thirty years of research show that:

- When parents are involved in their children's learning, their children earn **higher grades** and test scores, and they stay in school longer, and
- When parents are involved in a variety of ways at school, the **performance of all** children in the school tends to improve.

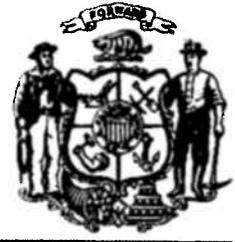
In a recent survey sponsored by the Education Testing Service, teachers, administrators, the public and even parents say lack of parental involvement is the biggest challenge facing schools. We know from the research that all families want to and can help their children learn, **regardless** of their income or educational level. But wanting to and actually doing it doesn't always come together, especially for working parents juggling the responsibilities of their jobs and families.

We know the importance of schools reaching out to parents, but if parents aren't able to respond because of inflexibility in the work place, then we continue with the same lack of involvement. According to the National Partnership for Women and Families, 10 states require leave for participation in children's educational activities. California offers the most time, with 40 hours a year and no more than eight hours per month, while Washington, D.C., Massachusetts and Vermont offer 24 hours a year. Since low-wage jobs are the least flexible, many parents need this opportunity to be involved with their children's education.

Passing the bill would make an important statement that in Wisconsin we are serious about parents being essential partners in the education of their children.



Date?



State Representative Spencer Black

State Capitol
P.O. Box 8952
Madison, WI 53708
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Companion to SB 86.

TESTIMONY ON AB 116 FAMILY LEAVE FOR SCHOOL ACTIVITIES

AB 116 expands Wisconsin's Family leave law to allow parents to take up to 16 hours of leave each year to attend parent teacher conferences, or other school activities that cannot be scheduled in non-work hours. The bill also allows parents of preschool children to take family leave time to monitor their children's pre-kindergarten or day care programs.

The bill does not require employers to provide employees with additional paid leave. Instead, it allows the employee to substitute up to 16 hours of vacation, sick leave, or other unpaid leave provided by the employer, when taking such leave is necessary to allow the employee to attend school conferences and classroom activities.

Research has shown that there is a direct and very strong relationship between parental involvement in a child's education and academic achievement. In fact, family participation in education is twice as predictive of student academic success as the family's socioeconomic status. As a former teacher, I have repeatedly seen this first hand with my students.

Research shows that greater parental involvement leads to higher grades and test scores, better attitudes and behavior, better school attendance, more homework completed, less chance of placement in special education, greater likelihood of graduating from high school, and a better chance of enrolling in postsecondary education.

Many parents miss school conferences because they can't take time off from work, and their children end up paying the price. Studies show this is especially true of low-wage workers and low-income families. Researchers at the Families and Work Institute found that only 29 percent of low-wage, low-income families have flexibility over starting and quitting times at their job, compared with 51 percent of higher-wage, higher-income parents. Children of low income families are often the kids who are most in need of the boost in school success that comes from increased parental involvement, but unfortunately their parents are the ones least likely to be able to attend school activities because of their workplace situation.

At least fifteen other states have similar laws already on the books, including Minnesota and Illinois and states as diverse as Texas, North Carolina, and Vermont. This bill is fair to employers. It only allows the leave if advance notice is given to the employer and the conference or school activity could not be scheduled during

nonworking hours. In addition, the employee taking the leave must make a reasonable effort to schedule the conference or activity so it does not disrupt the operations of their employer. The bill would not grant any additional paid leave to employees, although they could use paid leave to which they are already entitled for the school leave. The legislation applies to employers with 50 or more employees.



FOR IMMEDIATE RELEASE

May 13, 2009

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Release of Groundbreaking Report on Flexible Work Arrangements Sets the Stage for National Conversation

Politically Diverse Leaders Find Common Ground Through Consensus Building Process

On the heels of First Lady Michelle Obama's challenge to find ways to encourage employers to provide more flexibility to employees, Workplace Flexibility 2010, a Georgetown Law-based think tank, has released a new report outlining the **most comprehensive set of policy solutions to expand Americans' access to flexible work arrangements (FWAs)** such as compressed workweeks, predictable schedules, and telework.

"Flexible Work Arrangements can help ease a myriad of pressures facing working Americans today – while also helping employers manage their workforce more efficiently and improving productivity overall," said Professor Chai R. Feldblum, Co-Director of Workplace Flexibility 2010. "Our policy platform is a culmination of years of in-depth conversations with employers, employees, managers, labor, researchers and advocates here in Washington and across the country. We believe it represents an important first step in identifying and implementing common-sense policy solutions that can work for all of us."

The report outlines a broad range of solutions for expanding access to FWAs through thoughtful public policy efforts, including:

- Create a strategic, national campaign that communicates the benefits of making FWAs the "new normal" in the American workplace;
- Implement innovative flexibility pilot projects and track their impact on business outcomes, employee wellbeing, and community health; and
- Encourage the federal government to lead by example as a best employer, modeling implementation and utilization of FWAs and highlighting effective FWA practice.

It provides a detailed blueprint for the White House, Congress and other policymakers to build on innovative workplace flexibility strategies – and highlights numerous examples of effective business practices.

"We are delighted that the efforts of Workplace Flexibility 2010 have resulted in a dynamic policy platform that will facilitate a national conversation on how flexibility can support a more resilient economy and healthier families," said Georgetown Law Dean T. Alexander Aleinikoff. "The economic instability this country is enduring has underlined the critical importance of building a strong, sustainable, adaptable 21st century workforce, and expanding access to workplace flexibility will be a key component of that process."

A consensus statement by members of a bipartisan National Advisory Commission on Workplace Flexibility accompanies the report. Commission members – a politically diverse group of business, labor, and consumer representatives, former high-level government officials, and academic researchers – agree that Americans across all professions and income levels need greater access to workplace flexibility.

The full report is available at www.workplaceflexibility2010.org.





SOCIETY FOR HUMAN
RESOURCE MANAGEMENT

Workplace Flexibility
May 2009
Public Policy Issue Statement

Background

The principle federal laws that govern workplace flexibility are the Fair Labor Standards Act (FLSA) and the Family and Medical Leave Act (FMLA).

The FLSA, which was enacted in 1938, establishes standards for minimum wage, overtime pay, and child labor. Under current law, non-exempt employees must be paid overtime for working more than 40 hours per week. Public-sector employers, however, may offer employees a choice of compensatory time or pay when the employee works over 40 hours in a week.

Enacted in 1993, the FMLA, enacted in 1993, provides unpaid leave for the birth, adoption or foster care placement of an employee's child, as well as for the "serious health condition" of a spouse, son, daughter, or parent, or for the employee's own medical condition. In 2008, the Act was amended to provide up to 26 weeks of unpaid leave to an employee to care for a family member who is injured while serving on active military duty and up to 12 weeks of leave for urgent needs related to a family member's current active military service.

In 2005, California became the first state to provide up to six weeks or partial paid leave to employees for family and medical leave issues. Recently, the states of Washington and New Jersey as well as the cities of San Francisco, CA, Washington, D.C. and Milwaukee, WI have enacted laws to provide paid leave to employees for similar situations. During the 2008 state legislative session, 14 states considered enacting paid leave laws similar to those in California, Washington, and New Jersey.

Issue

The FLSA and the FMLA represent a somewhat outdated and rigid approach to mandated employee benefits. Many employers and associations believe these laws and their concomitant regulations are not responsive to the evolving needs and lifestyles of today's workforce.

Many employers continue to encounter challenges in implementing existing leave requirements that do not reflect the changing nature of the 21st Century workforce. As a result, the focus is on documentation of incremental leave and the reasons for the leave rather than on seeking innovative ways to help employees to balance the demands of both work and family life.

At the same time, there is a growing movement advocating new government legislation that would create new mandates for employers. These groups have focused their efforts on initiatives to require employers to provide paid sick leave as well as to expand the current FMLA to include paid leave.

Some key Members of Congress have expressed strong support of these proposals, and many observers believe such legislation could be debated within the next year or two.

To help balance work, family and personal needs, many employers are already voluntarily providing paid sick, personal, vacation and maternity leave for employees. According to the *SHRM 2008 Employee Benefits Survey*, 74 percent of employers offer paid sick leave, 82 percent of employers offer paid vacation leave, and 15 percent offer paid maternity leave outside of what is covered by a short-term disability benefit.

Recently, more employers have offered Paid Time Off (PTO) plans in lieu of other employer-sponsored paid leave programs. These plans typically combine all common leave benefits (vacation, sick leave, holidays and personal days) into one leave program that can be used in any circumstance by the employee. According to the *SHRM 2008 Employee Benefits Survey*, 60 percent of employers offer PTO plans to their employees.

SHRM Proposed Policy Statement

SHRM believes that the United States must have a 21st Century workplace flexibility policy that meets the needs of both employers and employees. Rather than a one-size fits all government mandate, the policy should be a new approach that reflects different work environments, representation, industries and organizational size.

The policy should support employees in balancing their work and family obligations; provide paid leave to the employee; and at the same time provide certainty, predictability and stability to employers. Under this new approach, employers that meet a safe harbor leave standard would not be subject to federal, state and local leave requirements. Alternatively, employers that chose not to offer this leave standard would be subject to existing federal leave requirements.

At the same time, SHRM believes current government leave laws need to be improved and streamlined. The FMLA needs to be strengthened to prevent misuse and abuse of the leave, which currently threatens the integrity of the Act. Additionally, statutes such as the FLSA need to be reviewed and updated to reflect the needs and protections of a 21st Century workforce. This includes allowing employers to provide flexible work options, such as offering employees a choice of compensatory time or overtime pay.

SHRM generally opposes any form of government mandate on employee benefits or leave requirements. SHRM believes employers, not the government, are best situated to know the benefit preferences of their employees. Any government initiative that removes or restricts an employer's flexibility in shaping such leave policies often creates undue hardships for employees and employers.

SHRM's proposed public policy position supports the following key workplace flexibility principles:

Flexible Paid Leave - SHRM supports a new approach to providing employees with paid leave that reflects different work environments, industries and organizational size. This paid leave approach should support employees in balancing their work and family obligations and at the same time, provide certainty, predictability and stability to employers in sponsoring the program. This program would operate much like a PTO plan, with an employer providing a guaranteed standard block of flexible paid leave to the employee that can be used for any leave purpose. Under this proposal, leave would be subject to the notice requirements and parameters of the employer's policy including requirements for the employee to use their annual leave. Alternatively an employer may permit an employee to rollover a capped portion of the unused accrued leave benefits from one year to the next or receive the benefits in the form of a contribution to a retirement or flexible spending account. An employer that met the requirements of this program would be exempt from mandated federal, state and local leave requirements.

Flexible Work Arrangements – Flexible Work Arrangements (FWAs) allow an employee to alter the time and/or place when/where work is conducted on a regular basis, consistent and predictable with the employer's operations. SHRM believes public policy should encourage and support employer efforts to create and implement FWAs.

Telecommuting – Allowing employees to telecommute can be beneficial for both employers and employees. SHRM recognizes that while telecommuting will not be practical for all employees or all employment situations, SHRM believes that public policy should support and encourage telecommuting. However, employers should have the right to determine which employees or employment situations make telecommuting practical.

 **Paid Leave Mandates** – SHRM generally opposes any form of government mandate for paid leave benefits including benefits funded through state insurance funds, as the Society believes that employers, not the government, know the benefit preferences of their employees. HR professionals traditionally work to tailor leave programs that meet the needs of their employees and employers. SHRM has concerns with proposals that implement a “one-size-fits-all” paid-leave mandate.

Family and Medical Leave Act - SHRM believes that improvements to the Act's definitions and notice requirements would reduce administrative and compliance problems for employers and HR professionals who are complying with FMLA requirements. Although supportive of the goals of the FMLA, the Society opposes expansion of the Act at this time.

Compensatory Time – The Fair Labor Standards Act limits employee flexibility because it prohibits private sector employers from offering paid time off as compensation for working overtime hours. SHRM believes that private sector employees should be afforded the same flexibility that public sector employees have in having a choice of compensatory time or overtime pay.



Public Policy Platform on Flexible Work Arrangements

Executive Summary

Workplace Flexibility 2010's Public Policy Platform on Flexible Work Arrangements provides a **comprehensive set of policy solutions to expand Americans' access to flexible work arrangements** such as telework, predictable schedules, and compressed workweeks. The common-ground solutions described in the report can benefit both working families and businesses.

The report draws on decades of research on changes in the American workforce – dual earner couples are now the norm; older workers need to work longer to save for retirement; men and women want to share caregiving responsibilities; many lower-wage workers work nonstandard schedules and multiple jobs to make ends meet; and more people with disabilities are working but may need a range of supports. And yet, our workplaces have not caught up in a systematic or sophisticated way to these new realities. We live in a world of changing individuals and often unyielding institutions.

Workplace Flexibility 2010 (WF2010) believes that American workplaces can and should change to reflect the realities of our modern workforce. Every workplace should have flexibility built into it along three dimensions, including:

- **Flexible Work Arrangements;**
- **Time Off (Including Short-Term, Episodic, and Extended Time Off); and**
- **Career Maintenance and Re-entry.**

While public policy on all three components of workplace flexibility is necessary to respond to the full range of flexibility needs, this report provides a detailed comprehensive public policy platform on one component – flexible work arrangements (FWAs). FWAs alter the time and/or place that work is conducted on a regular basis – in a manner that is as manageable and predictable as possible for both employees and employers.

As the culmination of a five-year process of listening to employers, employees and consumer representatives, the report is a blueprint that policymakers can use to make flexible work arrangements a norm of the American workplace, across occupations and income levels.

The report also includes a *consensus statement from members of a bipartisan National Advisory Commission on Workplace Flexibility*. Commission members – a politically diverse group of business, labor, and consumer representatives, former high-level government officials, and academic researchers – agree that Americans across all professions and income levels need greater access to workplace flexibility and that comprehensive public policy is needed to enhance flexible work arrangements.

In order to make FWAs the “new normal” in the American workplace, the report recommends five complementary prongs:

- **Spur a national campaign to make FWAs compelling to both employers and employees by:**

Launching a strategic multi-media public education campaign; providing awards to recognize and encourage businesses to offer and implement FWAs; and conducting research on the impact of FWA practices on employees, businesses and communities and disseminating the findings.

- **Provide employers and employees with the tools and training they need to make FWAs a standard way of working by:**

Making training and technical assistance on how to implement FWAs readily available to both employers and employees; launching a comprehensive website with information about the needs and benefits of FWAs, FWA best practices, model policies and procedures, and federal laws and programs; clarifying perceived legal obstacles to FWAs; and removing or considering the removal of actual legal obstacles.

- **Support innovations in FWAs, learn from those efforts, and disseminate lessons learned by:**

Experimenting with new ideas through pilot programs – including piloting a right to request in the federal workforce; piloting FWAs for low-wage workers employed by federal contractors; and piloting private sector innovations such as mass career customization and team scheduling with new industries and employers.

- **Lead by example, making the federal government a model employer by:**

Demonstrating high-level support for FWAs in the federal workforce; including FWAs as a key component of the federal government’s human capital management agenda; providing training, technical assistance, and resources to support the implementation of FWAs within the federal government; and regularly assessing how FWAs are working and affecting employees, the workplace and the broader community.

- **Build an infrastructure of federal, state and community players to implement the first four prongs of the effort by:**

Engaging all the players at the federal state and community level who will be key to a successful effort, and creating the infrastructure at each of these levels necessary for an effective partnership among these key players.

This groundbreaking report sets the stage for a national conversation among employee and employer groups, other stakeholders and policymakers about innovative solutions that work well for both employees and employers. Engaging in this conversation and embarking on the necessary action steps are key to equipping our American workplaces to meet the challenges of our 21st century workforce.





National Partnership for Women & Families

Job-Protected Leave for Parental Involvement in School Activities October 2005

Nine states and the District of Columbia require employers to provide job-protected leave for eligible employees to participate in a child's educational activities. Most of these laws also include provisions that allow an employee to use accrued paid leave for this purpose.

- **California (40 hours/year; no more than 8 hours/month)**
Employers with 25 or more employees at the same location must allow employees to take up to 8 hours of unpaid leave per month to participate in a child's school or daycare activities (not to exceed 40 hours of leave per calendar year). Eligible employees are required to use existing vacation, personal leave, or compensatory time for such leave. At the employer's discretion, employees can also use unpaid time off. (Cal. Lab. Code § 230.8.)
- **District of Columbia (24 hours/year)**
All working parents are entitled to a total of 24 hours of unpaid leave during any 12-month period to participate in a child's school-related events. Employees must notify the employer at least 10 calendar days before the event. Leave is unpaid unless employees have the option to use paid family, vacation, personal, compensatory leave, or leave from a leave bank provided by an employer. The District of Columbia's Parental Leave Law defines "parent" and "school-related event" very broadly. (D.C. Stat. § 32-1202.)
- **Illinois (8 hours/year; no more than 4 hours/day)**
Employers with 50 or more employees must provide 8 hours of unpaid leave per school year (not to exceed 4 hours in one day) to participate in a child's school-related events. To be eligible, employees must have been employed part-time for at least 6 months and exhaust all accrued vacation, personal, compensatory, or any other leave (other than sick or disability leave) before taking unpaid leave. There are other restrictions on leave, including verification from the school and prior consent with employers. (820 Ill. Comp. Stat. 147/1.)
- **Louisiana (16 hours/year)**
An employer *may* grant an employee up to 16 hours of unpaid leave per year to attend a child's school activities. An employer is not required to pay an employee for any time taken under the law; however, employees are permitted to substitute any accrued vacation time or other appropriate paid leave. (La. Rev. Stat. § 23:1015.2.)

- **Massachusetts (24 hours/year)**
 Employees covered by the FMLA may take a total of 24 hours of unpaid leave per year to participate in school activities. Employers or employees may elect to substitute accrued sick, personal, or vacation leave under the law; however, employers do not have to allow employees to use sick leave in situations where an employee would not normally be permitted to use such leave. (Mass. Ann. Laws ch. § 149.52D.)
- **Minnesota (16 hours/year)**
 All employers must provide employees up to 16 hours of unpaid leave per year to attend a child's school activities that cannot be scheduled during nonworking hours. To be eligible, employees must be employed by the same employer at least part-time and for 12 months preceding leave. An employee may substitute paid vacation and other appropriate leave. (Minn. Stat. § 181.9412.)
- **Nevada**
 Nevada law prohibits employers from terminating employees who attend school conferences or leave work when notified of a child's emergency. (Nev. Rev. Stat. § 392.490.)
- **North Carolina (4 hours/year)**
 All employers must grant 4 hours of unpaid leave per year for parents to attend a child's school activities. Employers may require an employee to provide a written request 48 hours before the taking leave. (N.C. Gen. Stat. § 95-28.3.)
- **Rhode Island (10 hours/year)**
 Employers with 50 or more employees must grant up to 10 hours of leave per year for parents to attend a child's school activities. To be eligible, an employee must meet the requirements of Rhode Island's Parental and Family and Medical Leave Act and must give at least 24 hours notice. Employees may substitute any appropriate accrued paid leave for any part of this leave. (R.I. Gen. Laws § 28-48-12.)
- **Vermont (24 hours/year; up to 4 hours/month)**
 Employers with at least 15 employees must provide up to 24 hours per year of unpaid leave to eligible employees to attend a child's school activities (not to exceed 4 hours in a 30-day period, and an employer may require that leave be taken in a minimum of two-hour segments). To be eligible, employees must have been employed for an average of at least 30 hours per week for one year. At the employee's discretion, the employee may use accrued paid leave. (Vt. Stat. Ann. tit. 21, § 472a.)

Recent bills introduced for job-protected leave for parental involvement in school activities.

States where lawmakers introduced bills in 2004 to provide job-protected leave for parents to attend their children's educational activities include: Georgia, Hawaii, Indiana, Maryland, New York and Wisconsin. To our knowledge, states where lawmakers have introduced bills in 2005 to provide job-protected leave have been introduced in Illinois, Colorado, and Georgia.

▪ **Illinois**

SB 0006, introduced this legislative session, would amend the School Visitation Rights Act to increase school visitation leave to 24 hours (from 8 hours) and delete a provision requiring an employee to exhaust all accrued vacation leave before becoming eligible for leave. The bill passed the Senate (33-22) on March 2, 2005. The bill currently sits in the House Rules Committee, as of May 13, 2005, and has not been placed on the calendar for a second reading.

▪ **Colorado**

SB 05-021 would allow employees of any employer with at least 10 employees to take 40 hours (5 hours in any one-month period) of unpaid leave for school-related activities. Employees would be able elect to substitute paid vacation, personal, or other types of paid leave.

The bill passed the Senate Business, Labor and Technology Committee on a party line vote. A few amendments were added on the Senate floor, where it passed 2nd and 3rd readings on a party line vote (18-17). With an additional amendment offered by the House sponsor, the bill passed the House Business Affairs and Labor Committee with bi-partisan support. The House sponsor withdrew the bill on the second reading.

▪ **Georgia**

The "Time for Schools Act," HB 230, would provide 8 hours of unpaid leave per school year to working parents. The bill was referred to the House Ways & Means Committee on February 24, 2005.





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Special Report

Table: The Best States For Business

Kurt Badenhausen, 09.23.09, 08:00 PM EDT

How the states match up.

Our Best States ranking measures six vital categories for businesses: costs, labor supply, regulatory environment, current economic climate, growth prospects and quality of life. We factor in 33 different points of data to determine the ranks in the six main areas. Business costs that include labor energy and taxes are weighted the most heavily. We relied on nine different data providers. Moody's Economy.com is the most utilized resource.

OVERALL RANK	2008 RANK	STATE	BUSINESS COSTS RANK ¹	LABOR RANK ²	REGULATORY ENVIRONMENT RANK ³	ECONOMIC CLIMATE RANK ⁴	GROWTH PROSPECTS RANK ⁵	QUALITY OF LIFE RANK ⁶	POPULATION	GROSS STATE PRODUCT (\$B)	FIVE-YEAR CHANGE (%)	GOVERNOR
1	1	Virginia	20	3	2	18	12	1	7,804,800	325	2.9	Tim Kaine
2	3	Washington	27	2	5	3	1	24	6,593,800	285	3.3	Chris Gregoire
3	2	Utah	14	4	11	11	22	17	2,758,900	86	4.6	Gary Herbert
4	6	Colorado	33	1	17	5	2	16	4,978,800	203	2.8	Bill Ritter
5	4	North Carolina	3	15	4	16	33	34	9,305,500	329	2.8	Beverly Perdue
6	5	Georgia	28	7	1	23	15	33	9,795,700	329	1.9	Sonny Perdue
7	13	North Dakota	6	37	26	8	4	21	643,200	24	4.1	John Hoeven
8	9	Texas	29	23	10	1	3	30	24,853,400	828	3.7	Rick Perry
9	10	Nebraska	11	24	23	23	23	10	1,768,800	67	2.1	David Heineman
10	18	Oregon	17	6	41	13	17	25	3,820,400	147	4.5	Ted Kulongoski
11	7	Idaho	12	17	35	10	36	18	1,534,900	46	4.5	C.L. Otter
12	14	Maryland	42	8	29	18	7	14	5,642,800	221	2.2	Martin O'Malley
13	24	Montana	23	8	38	8	16	35	972,500	27	3.2	Brian Schweitzer
14	22	Iowa	9	39	18	22	46	8	3,008,100	110	3.0	Chet Culver
15	21	Kansas	25	21	12	30	26	27	2,814,800	86	2.5	Mark Parkinson
16	23	South Dakota	1	33	41	21	21	23	807,100	30	3.4	Mike Rounds
17	11	Minnesota	32	10	30	35	20	6	5,242,700	217	2.0	Tim Pawlenty
18	8	Florida	38	11	25	14	9	40	18,388,700	603	3.0	Charlie Crist
19	20	New Hampshire	41	5	46	28	5	4	1,320,400	51	2.0	John Lynch
20	26	Oklahoma	13	41	9	4	47	38	3,647,900	107	2.5	Brad Henry
21	12	Delaware	5	12	26	40	39	38	878,500	49	1.8	Jack Markell
22	31	Wyoming	2	28	48	15	26	32	536,000	22	2.8	Dave Freudenthal
23	17	Tennessee	10	39	3	38	34	42	6,244,800	210	2.2	Phil Bredesen
24	35	Illinois	34	27	13	32	28	20	12,942,600	516	1.5	Pat Quinn
25	29	South Carolina	19	31	6	36	30	43	4,507,200	127	1.2	Mark Sanford
26	32	Arkansas	8	44	34	17	14	41	2,686,700	79	2.3	Mike Beebe
27	15	New Mexico	26	32	31	11	6	48	1,982,100	61	2.7	Bill Richardson
28	28	Alabama	22	42	19	25	13	45	4,679,700	137	2.4	Robert Bentley
29	30	Missouri	15	38	21	42	25	29	5,924,000	194	1.1	Jay Nixon
30	25	Indiana	7	43	14	47	49	16	6,399,200	210	0.8	Mitchell Daniels
31	19	Nevada	24	26	28	2	40	49	2,615,100	103	4.8	Jim Gibbons
32	38	New York	45	30	17	16	35	13	19,508,400	995	3.8	David Paterson
33	41	Pennsylvania	38	34	15	37	32	7	12,488,600	444	1.5	Edward Rendell
34	36	Massachusetts	48	18	22	33	40	2	6,506,600	312	2.2	Deval Patrick
35	33	Connecticut	45	18	33	31	37	3	3,504,700	178	2.2	M. Jodi Roll
36	18	Arizona	31	14	45	7	36	47	6,882,700	210	3.8	Jan Brewer
37	39	Ohio	30	47	9	43	48	12	11,491,200	368	0.4	Tad Brinkley
38	40	California	50	22	39	27	10	28	36,982,400	1,546	2.9	Arnold Schwarzenegger
39	27	Hawaii	47	19	43	9	31	28	1,292,700	50	3.2	Linda Lingle
40	42	Mississippi	18	49	20	46	19	46	2,946,000	72	1.5	Haley Barbour
41	46	Maine	44	25	32	36	28	19	1,315,800	40	1.8	John Baldacci
42	48	Alaska	37	28	40	29	11	44	680,000	30	1.8	Sean Parnell
43	44	Kentucky	18	45	24	45	44	31	4,290,400	127	1.6	Steven Beshear
44	49	Louisiana	20	50	39	34	8	50	4,418,500	145	1.9	Bobby Jindal
45	34	New Jersey	49	20	47	44	24	5	8,699,200	380	1.3	Jon Corzine
46	50	West Virginia	4	48	48	28	43	37	1,815,700	48	1.7	Joe Manchin III
47	36	Vermont	43	13	44	49	42	9	621,300	22	2.1	Jim Douglas
48	43	Wisconsin	35	36	37	41	45	11	5,836,700	199	1.5	Jim Doyle
49	47	Michigan	38	46	8	50	60	30	9,978,900	328	-0.9	Jennifer Granholm
50	45	Rhode Island	40	35	50	48	18	21	1,050,000	36	0.9	Don Carletti

1 Index based on cost of labor, energy and taxes.
 2 Measures educational attainment, net migration and projected population growth.
 3 Measures regulatory and legal climate, incentives, transportation and bond ratings.
 4 Reflects job, income and gross state product growth as well as unemployment and presence of big companies.
 5 Reflects projected job, income and gross state product growth as well as business openings/closings and venture capital investments.
 6 Index of schools, health, crime, cost of living and poverty rates.

Sources: Moody's Economy.com; Polaris Corporate Real Estate; Pacific Research Institute; Tax Foundation; Spelling's Best Places; Census Bureau; SBA; FBI; Dept. of Education; Forbes.

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Factors influencing revenue take time to reattain pre-recession level, but spending does not – economic recovery does not feel like fiscal recovery

of quarters after the GDP trough until pre-recession level is re-attained

Recession start-year:	Real GDP	Employment	Real wages	Real proprietors' income, plus dividends, interest, rent	Real consumption of goods	Real state and local government current expenditures**
1969	1	6	5	2	1	1
1973	3	4	6	9	2	1
1980	2	2	3	1	8	1
1990	3	8	4	13	4	1
2001	1	14	11	13	1	1

Source: BEA National Income and Product Accounts

Note: All variables deflated using GDP price index

** 2007 is different so far



SURVEY

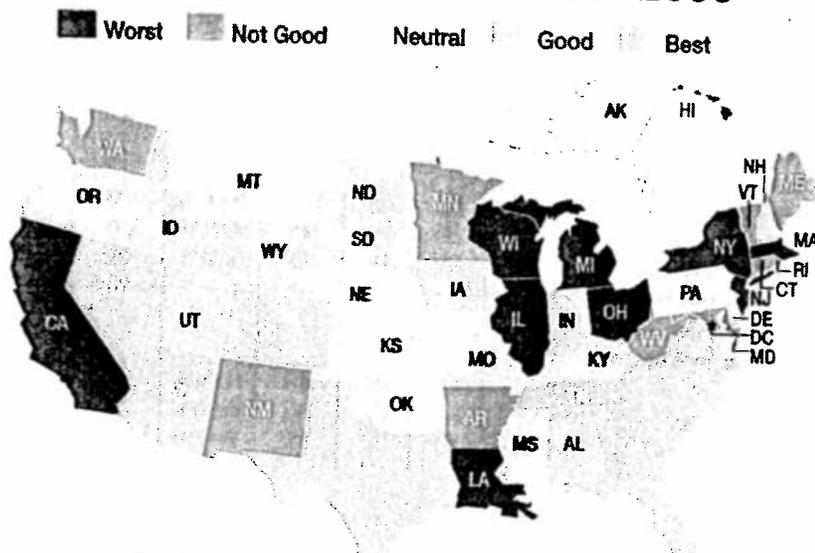
CEOs Select Best, Worst States for Job Growth and Business

IN ITS FIFTH ANNUAL SURVEY, CE asked 543 CEOs to evaluate their states on a broad range of issues, including regulation, tax policies, education, quality of living and infrastructure. In addition, CEOs were also asked to grade each state based on the following criteria: 1) Taxation & Regulation, 2) Workforce Quality, and 3) Living Environment.

Once again, this year, the same states that took the bottom five spots over the past few years preserved their rankings for the most part. For the fourth year in a row, California and New York were ranked the worst and second worst state to do business in, respectively. Michigan was ranked third from the bottom for the second year in a row. The only difference in the bottom five was a flip in the worst fourth and fifth states, as New Jersey took over from Massachusetts as the fourth worst state.

Since 2005, CE has surveyed business leaders to rate their states and those in which they have operations with a view to whether each state is receptive to business operation and formation. Unfortunately, those states with the worst records continue to practice the same policies, that alienate businesses. As the economic downturn worsens and unemployment rises one would think some states would rethink their punitive tax and regulatory structure, not to mention their unionization policies if they want to turn the page and attract new businesses and capital to their area.

The Best and Worst States to Do Business in the U.S. in 2009



The Best

2009	2008	State
1	1	Texas
2	3	North Carolina
3	10	Florida
4	7	Georgia
5	6	Tennessee

The Worst

2009	2008	State
51	51	California
50	50	New York
49	49	Michigan
48	47	New Jersey
47	48	Massachusetts

Coincidentally, all the bottom three states, California, New York and Michigan, also report some of the nation's highest unemployment rates—10.1 percent, 7.6 percent and 11.6 percent, respectively, as of January (most recent data available). This compares to a national average of 7.6 percent in the same month (the national unemployment rate reached 8.1 percent in February).

Expressing the prevalent attitude

among CEOs, one CEO said, "Michigan and California literally need to do a 180 if they are ever to become competitive again. California has huge advantages with its size, quality of work force, particularly in high tech, as well as the quality of life and climate advantages of the state. However, it is an absolute regulatory and tax disaster, as is Michigan."

As states put on an intense competition to attract business and invest-

CEO CHRONICLES

CEO CONFIDENCE INDEX

States	Average Position Change Per Year	Rank		GDP Growth Rank, Growth Rate (3-yr. avg.)		Employment Rank, Unemployment Rate		Taxation & Regulation	Work Force Quality	Living Environment & Infrastructure
		'09	'08							
Best States										
Texas	N/C	1	1	7	8.19%	19	5.7%	A-	B+	B+
North Carolina	-1	2	3	10	7.18%	44	7.9%	B+	B+	A-
Florida	-7	3	10	15	6.55%	39	7.3%	B+	B-	B+
Worst States										
California	N/C	51	51	20	6.06%	48	8.4%	D	B-	B-
New York	N/C	50	50	11	7.16%	25	6.1%	D	B-	C-
Michigan	N/C	49	49	51	1.70%	51	9.6%	F	C+	C
Hot States (Greatest Rank Increase)										
Mississippi	15	30	45	33	5.00%	38	7.2%	F	C+	C
Pennsylvania	10	29	39	34	4.91%	25	6.1%	C	B-	B
Florida	7	3	10	15	6.55%	39	7.3%	B+	B-	B+
Cold States (Greatest Rank Decrease)										
Ohio	-11	45	34	49	3.24%	39	7.3%	C-	B-	B-
Minnesota	-10	32	22	39	4.50%	31	6.4%	C	B+	B+
Washington	-10	40	30	12	7.12%	31	6.4%	C	B+	B+

ment in this tough economic environment, the Best & Worst States survey saw a flurry of activity in the top ranks with the entry of three new states into the top five: Florida, Georgia and Tennessee. Tennessee, for example, enjoys one of the lowest cost of living indexes in

the U.S. California and New York rank among the highest. Texas maintained its #1 spot in the ranking for the fourth year in a row, as North Carolina, Florida, Georgia and Tennessee all jumped up in ranks, taking the #2, 3, 4 and 5 spots, respectively.

"Texas and the Carolinas are great for business," said one CEO. "South Carolina's Research Authority is exemplary in terms of creating new economic growth and Texas is strategically centered, has low taxes and outstanding demographics."

As a testament to this statement, in contrast to much of the nation, in fiscal 2008, Texas' gross state product grew by 4.2 percent, compared to 1.9 percent for the national economy.

If there is one state where business leaders are agog at the anti-growth actions of its government it is California. Ten years ago the state budget strained at the seams at \$85 billion. This rose to \$100 billion under Gray Davis and is approaching \$130 billion under Gov. Arnold Schwarzenegger. During this time the Golden State experienced a net outmigration of people and businesses. Seemingly oblivious to economic reality, last year the Democratic-controlled legislature proposed to raise California's income tax rate to 12 percent, the highest in the nation. \angle

For complete results regarding the confidence of public- and private-company CEOs, please visit our full report at www.chiefexecutive.net.

