

A CONSIDERATION OF PART TIME STAFFING:

A Working Paper

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The following paper has been developed under a grant from the Office of Field Services of the Legal Services Corporation.

It represents the views of its authors only and in no way should be construed as OFS policy. Its aim is to help programs think through the many difficult issues presented by the current threats to Legal Services and to develop effective plans. This paper is based on many interviews and work with local programs as well as derived from the wider literature on retrenchment planning. Given the press of time, we have chosen to make it available in an initial draft form. We would appreciate criticism and alternative formulations on these issues and if appropriate will include feedback in subsequent papers or revised drafts. Please send any comments to:

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## A CONSIDERATION OF PART TIME STAFFING

A Working Paper for the Legal Services Corporation  
by Jill Cutler & Liz Ryan Cole

In the face of an impending fiscal crisis, Legal Services programs will be considering a wide range of possible restructurings that they may previously have been reluctant to consider. Among these are part time staffing and jobsharing. The purpose of this paper is to report on how legal services programs are now using part time staffing and jobsharing, and their advantages and disadvantages to administrators, employees, and clients.

A sample of twelve legal services programs which use part time staffing was identified. While by no means a scientifically randomized sample, it did include large and small programs in different parts of the country, several public defender programs, and a technical assistance center. A questionnaire was developed to elicit information in the following areas: program size and type; number and sex of part time employees; benefit provisions; performance and commitment of workers; special administrative arrangements; negotiated employment contractual provisions; advantages and disadvantages of part time staffing; office morale; supervisory problems. All respondents were promised full confidentiality. Because of time constraints, the data was collected by telephone interview.

The use of part time staff raises serious social and philosophical issues. This paper does not attempt to answer them definitively. We hope, however, that by reporting on the experiences of programs with the difficulties and advantages of part time staffing patterns, we will be able to shed light on these issues.

### How do Programs Use Part Time Workers?

Legal services programs have adopted part time staffing patterns for different reasons and under very different conditions:

+ Part time staffing at a medium-sized public defender program began seven years ago when staff attorneys presented their administrator with a plan under which the work of two full time attorneys would be shared among three part time attorneys. Each one would work four months, be off two months, work four months, and so on. At any given time, two of the three would be working. Each of the three would receive two-thirds of a regular salary. Faced with the potential loss of trained and experienced attorneys, the project's administrator, despite reservations, decided to accept the proposal. The experiment worked well enough so that the present administrator has recently hired two additional straight part time public defenders.

+ A large urban legal services program employs ten attorneys, six paralegals, and eight support staff on a part time basis. They work different amounts of time, ranging from 23 percent to 90 percent of full time. Some of these employees previously worked full time and asked to work part time in order to return to school, care for children, deal with family emergencies, or for other personal reasons. The director of this program also hires part timers from outside the program to meet certain specific program needs.

+ A technical assistance center which provides services to programs in one substantive area of law employs three part time

attorneys and four part time support staff. Outside funding supplies the program with senior aides, who all work part time under the supervision of a full time attorney.

+ A public defender employs four part time attorneys. Two of them share a caseload; they work alternate weeks. The other two also share a caseload; they each work six months and are off six months. All receive a half time salary through the year.

+ A small legal services program regards its half time attorney and paralegal as being in the process of taking a half time leave of absence for a time-limited period. Both of these employees will return to work on a full time basis thereafter. While they work part time, they are subject to the terms of a written agreement each one developed with their supervisor, which specifies their duties and responsibilities.

#### Who Works Part Time?

The use of part time workers is not limited to any one category of legal services employees. It includes both men and women in attorney, paralegal, and support staff positions.

Although our sample is not large enough to establish the proportion of part time workers in each category for Legal Services as a whole, it does demonstrate that part timers are used in all categories:

Total Number of Employees  
in Sample of 12 Programs

	<u>Number</u>	<u>Percent</u>
Full Time	578	91
Part Time	55	<u>9</u>
	<u>633</u>	100%

Breakdown of Part Time Employees  
by Sex and Job Classification

<u>Job Classification</u>	<u>Number of</u> <u>Males</u>	<u>Number of</u> <u>Females</u>	<u>Total</u>
Attorneys	11	16	27
Paralegals	3	7	10
Support Staff	<u>3</u>	<u>15</u>	<u>18</u>
	17	38	55

Why Programs Have Part Time Staffing:

The reasons programs have established part time staffing fall into three categories:

1. Employee preference: Some workers have family or other responsibilities which make full time work a disadvantage. Some workers find that the long hours associated with full time legal services work lead to burnout. "I only have time to practice law, and very depressing cases at that." Some employees have compelling

outside interests: "We have an attorney who's a serious mountain climber; you can't climb in the Himalayas on a weekend."

2. Program flexibility: Many programs find that the use of part timers helps tailor staff resources to program needs. For example, one program had funds to hire a beginning full time paralegal, and found that instead they could hire "the best paralegal in town," who preferred to work only 80% time. Some programs are able to attract outside funding, which can help provide better service, but which can only pay for part time employees.

3. Recruitment advantages: Many people otherwise qualified for legal services work are unable or unwilling to work full time. Part time staffing makes it possible for programs to draw on their talents. Several programs have discovered that senior citizens are an excellent part time resource; some are now working as paralegals in the field of elderly law, where they can make a valuable -- indeed, unique -- contribution.

#### Patterns of Part Time Staffing:

The following types of part time schedules are currently used:

+ The employee comes in every day and works less than eight hours.

+ The employee works less than five days a week and less than eight hours a day.

+ The employee works full days, but less than five days a week.

+ Jobsharing, where two or more employees share the duties and salary of one position. For example: Each of two attorneys

works full time on alternate weeks. Each of two attorneys works full time for six months and is off for six months. Each of three attorneys (sharing two jobs) works four months, is off two months, works four months, and so on. In these cases, the attorneys who are sharing a "job" share a caseload and receive a proportionate amount of a salary.

Salary and Benefits:

Programs tend to have already-established policies regarding benefits for full and part time workers. Most programs pay part time salaries and benefits on a straight pro rata basis. If an employee works 50% time, she gets 50% of salary, accrues 50% vacation pay and sick leave, and has 50% of her health insurance paid for by the program.

One public defender program pays part timers full health benefits and life insurance. In one legal services program, all employees who work more than 17½ hours a week receive 100% of health benefits.

Unfortunately, in the area of benefit provision, part time staff are apt to lose out. Several programs do not pay health insurance costs for any but full time staff members. In one case, an employee, who for various reasons is not a member of her bargaining unit, is also not accruing sick leave or vacation pay. Where programs have union contracts, these tend to stipulate that part timers should receive a proportion of benefits. In programs where there are no employment contracts, part timers are very much at the mercy of administrative policies, many of which were formulated when there were no part time employees in the program, and thus are not responsive to their needs.

### Labor Agreements:

Four of the twelve programs had negotiated employment contracts. In two cases the contracts state that part time employees must be treated as a part of the bargaining unit and receive compensation proportional to that specified for full time employees. The third contract has the same provisions, except that the administration has the right to designate any employees as "temporaries" for up to six months. Therefore, in some cases, part time staff may not be covered by the contract for their first six months of employment. In spite of its capitulation on the question of "temporaries," however, the union ideally hopes to include all part timers in the bargaining unit. Yet another program has a union contract which has specific guidelines for the optimum time period any full time employee may work part time.

### Administrative Procedures:

We asked administrators whether bookkeeping, supervision, or other administrative procedures had required modification to accommodate part time staff. In general, procedures for record-keeping and supervision of full time workers were applicable to part time workers. Where there were differences, the administrative structures already in place for part time workers were adequate to deal with them.

### How Part Timers Fit Into the Work Process:

For the most part, part time attorneys and paralegals are assigned cases on the same basis as other staff, but with a smaller total caseload. In some cases, staff are hired to perform parti-

cular assignments which require less than a full time commitment, but have full responsibility for their assigned caseload. For example, one public defender program has recently hired a half time attorney to handle its overflow of juvenile cases.

In another public defender program, the structure of part time work is adapted to the normal duration of case. Thus two attorneys who work half time and share a juvenile caseload, where cases tend to be closed within a short time, work alternate weeks. On the other hand, the two attorneys who work half time and share a felony caseload work alternate six-month periods, because felony cases tend to remain open for months.

An obvious problem with the use of part time workers arises when hearings, trials, or other proceedings are scheduled when the attorney or paralegal is not at work. Part time employees are expected to handle their cases in an appropriate manner. Very often this means that attorneys and paralegals will be attending trials and hearings during non-working hours.

In most programs there is a presumption that once a case is assigned to an attorney or paralegal, he or she will be responsible for its completion. Obvious problems arise where attorneys are not available to work on assigned cases. When attorneys work alternate weeks, they generally come in briefly on Friday to pick up unfinished cases from their week off. When attorneys are out of the office for months, they must come in a few days before their actual return date to be briefed on cases from the previous period.

In one program, potential gaps are prevented by assigning to each case a second "backup" attorney, who keeps informed on the progress of the case.

Additional continuity is provided by several routine procedures. Perhaps most important is the work of support staff, who keep track of cases, maintain contact with clients, and know where attorneys and paralegals can be reached if necessary. Attorneys and paralegals normally review ongoing cases periodically with supervisors and/or other staff.

Similar issues do not appear to arise with the use of part time support staff. The administrators we interviewed did not report that any change in normal office procedures was necessary to accommodate part time support staff.

#### Pros and Cons of Part Time Staffing:

The use of part time staffing is clearly dependent upon the needs and situations of particular programs and their employees. The following are some of the advantages and disadvantages administrators and employees reported to us from their experiences with part time staffing.

#### The Advantages:

Many administrators saw part time staffing as extremely positive. Interestingly, the questions we asked about performance and commitment elicited an almost uniform response: part timers were considered to be both excellent at their jobs and very committed to them. Administrators said, more than once, "Part time workers contribute more than they are being paid for."

In high-pressure situations such as public defender work, administrators were enthusiastic about their part time arrangements.

"Part timers concentrate better because they work fewer hours."  
"They don't have to worry about their kids all the time, so they can give their full attention to the job." "Our part time people are very dedicated."

Part timers are viewed as flexible and cooperative. It is this flexibility which makes part time staffing possible. Part timers in general are willing to rearrange their hours if necessary, so that they can come to meetings or attend trials and hearings.

Administrators find that using a part time staffing pattern is another way in which they can think creatively about their programs. "We start thinking in terms of program functions, and we don't worry so much about the number of hours people work; we try to make those hours really count in terms of service to clients."

Using a part time staffing pattern can also help retain personnel when programs are trying to operate in the face of a hiring freeze. In one large urban legal services program, employees who wished to work part time instead of full time were encouraged to do so; the program thus lost a percentage of its capacity to serve clients, rather than actual service providers.

It is also important -- and an unavoidable fact -- that in cases where employees are willing and able to work part time, a program's budgetary problems may be eased significantly.

From the standpoint of the employee, part time employment can provide many benefits. "Working part time allows me to watch my kids grow up." "I had a family emergency and otherwise I would have had to quit." The practice of law is generally more than a full

time job. For those attorneys who work part time, time off may bring an opportunity to explore their own interests without sacrificing those of clients.

A part time schedule works well for employees who are attending school. For those who are attending law school, part time work in a legal services office can make a significant contribution to their education.

For some employees who can only work part time, the opportunity to work in a legal services program is a way of expressing a commitment to certain ideals and values: "Just because I have a baby and can only work twenty hours a week is no reason I shouldn't be able to do what I've been trained to do and want to do -- help poor people get equal protection under law."

#### The Disadvantages:

According to our respondents, employing part time staff has some drawbacks. In programs where there are a lot of part time employees, a good communications system is a necessity. As one administrator said, "We'd like to have a terrific office communications system anyway, part timers or no part timers, but we don't. So having part timers around means that there's a 75% chance that nobody in the office will know where anyone else is, or where the file is either."

Realistically, part time employees put a great burden on office communication systems, many of which aren't working well to begin with. A very unfortunate result of such difficulties is that clients are often unable to reach their part time attorneys when they need to, which can be extremely stressful for them. Some ad-

administrators wondered whether part time attorneys provided good service for clients, who are bound to call when they are not in the office.

Other administrators point out that having part time attorneys sometimes places an extra burden on the people who supervise them. For example, in the public defender program where attorneys work four months, take off two, and work four, the transition period put considerable pressure on the supervisor, who was forced to mediate the attorneys' interpersonal difficulties, and to spend more time with them than he could really afford.

Having part time people in a program can generate staff resentments. "I think my full time staff wouldn't like it much if they knew that I paid 100% of my part time employees' health insurance." In some programs, part timers are resented because they aren't visible all the time. "People, especially her supervisor, thought she was goofing off -- they hadn't been involved in the decision to let her work part time and take care of her sick kid, so they didn't know what was happening or why she wasn't working full days." "His coworkers think he's getting paid for doing nothing."

By the same token, part time employees have resentments too. "I feel as if I've dropped there from another planet." "I work 35 hours a week and get paid for 20 because I'm dedicated to my work." Employees can feel isolated when they are left out of staff meetings and various other occasions of office life. They can feel exploited when they work more hours than they are paid for. In those cases where they don't receive health insurance or other benefits, they are truly being exploited.

Although our respondents were in the main enthusiastic about employing part time people, many of them mentioned that it was costly to do so. In several programs, health insurance is paid by the program as if the employee were working full time, which can be a considerable expense. Although part time workers earn a lower total salary, the cost per hour to programs is slightly higher than they would like.

Some administrators mentioned that employees -- or their families -- were actually underwriting the costs of their part time employment. Personnel who worked part time were often being subsidized by a spouse; "No single parent could afford to work part time for Legal Services!" In the public defender program where there is a jobsharing slot with six months on and six months off, essentially the arrangement depends upon one attorney who is financially able to take six months off at any time if no other attorney is willing or able to do so. These examples suggest that working part time would be an unaffordable luxury for many legal services employees.

These facts, coupled with the increased necessity for good office communications and careful employee supervision, made several administrators say that they would keep part time staffing to a minimum, or even phase it out of their programs if they could.

This paper has dealt primarily with cases where part time staffing has been introduced to accommodate the needs of present or potential staff members. A very different set of problems arises when part time work is imposed upon staff for the financial benefit of the programs.

During a period of financial austerity in the '70s, many programs shifted workers from full to part time status. The thinking behind this move was that at least staff would not be laid off altogether. However, in many cases the results were unfortunate. Many employees had difficulty living on the reduced salaries. Some resented the expectation that they would continue heavy workloads at reduced pay. Many excellent people quit and were lost to Legal Services.

Employees may accept cutting back to part time schedules for limited periods of time, such as half a year. Permanent, involuntary part timing, however, is likely to lead to serious problems of inequity, declining morale, and loss of competent staff.

#### Recommendations for Part Time Staffing:

We asked our respondents to make suggestions for programs which are now considering using part time staffing.

Most administrators identified communications problems as the largest source of trouble in integrating part time workers and in providing good service to clients. They had some ideas as to how these difficulties might be solved.

Programs which used part time attorneys and paralegals strongly recommend that they be backed up with full time support staff. This would insure that there is always someone available who is familiar with the current status of each case. In such situations, attorneys and support staff should be encouraged to cooperate with each other, so that case files are not mislaid and can be available to attorneys when they are needed. Ongoing, care-

ful case review is another way in which continuity and a high quality of service can be provided.

One respondent told us, "You may think this is silly, but the best thing we did was to get a huge chart, the kind you write on with magic marker and then wipe it off when you need to. We put it up on a wall where everybody could see it, and wrote in the schedules of everyone who wasn't working full time. That way, anyone could know where people were. It made a huge difference."

Others recommend that staff meetings be scheduled when part time workers can attend. This helps overcome the feeling of isolation that many part timers experience. It also helps improve intra-office communication.

The administrator of one small program said that he solved his communications problems by making sure that only one or two people in his office were working part time. In his experience, the problems of using part time workers are manageable when there aren't many, but they increase in magnitude with the number of part time employees.

When attorneys and paralegals work part time, many ambiguities arise around issues of responsibility. Some administrators recommend that a clear understanding be reached concerning staff responsibility for assigned cases. For example, some insist on an understanding that attorneys and paralegals are responsible for cases assigned, even if additional hours of work are required. Others are unwilling to hire part time staff members who have other part time jobs, on the grounds that they may not be available when needed.

Tensions also arise when other staff members are not included in determining the definition and assignment of part time work. Many administrators stressed that those staff members and supervisors who will be affected by part time staffing must be brought in on the process of planning to begin with.

Sometimes, supervisors and others have a tendency to expect more from a part time worker than is reasonable. One program addressed this issue by making a planning conference mandatory, and by requiring a written agreement which specified what any new part time employee would be doing. Supervisors need to make sure that their expectations of part time workers are reasonable and fair -- and that the employee is aware of what they are. However, to view part time work as a way to intensify the productiveness of any staff member is to court serious employee discontent.

Several respondents urged that programs begin to think in terms of function rather than in terms of man hours, so that they could take advantage of the added flexibility part time staffing makes possible. Traditionally, various functions are added together to make a job description for a full time job, whether or not an individual can be found who is appropriate for all of them. With part time staffing, it becomes possible to analyze the functions that need to be performed and then seek people appropriate to fulfill each of them, without regard to whether they can be combined into a full time job. Doing so, however, may require changes in everyone's thinking about job assignments and recruitment.

A well-run program need not be turned topsy-turvy to accommodate part time staffing. The administrator of a large urban

legal services program said, "What would I recommend to programs who want to have part timers? Don't do anything different. Our full time attorneys sit next to part time attorneys. All of them are out of the office sometimes for court appearances and so on, so what difference does it make? We have communications problems and resentment among employees, like any office; but certainly we don't have these problems because of part timers. I'd advise programs to try it. It's a way of keeping good people -- and getting a lot out of them too. Maybe it costs a little more; but is legal services really a dollar and cents operation?"

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