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BALANCING WORK AND FAMILY:
HOW DOES FAMILY RESPONSIBILITIES DISCRIMINATION AFFECT
CAREER ADVANCEMENT?

by

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ABSTRACT OF THE DISSERTATION

Balancing Work and Family: How Does Family Responsibilities Discrimination Affect Career Advancement?

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This exploratory mixed-methods study uses grounded theory to examine the relationship between family responsibilities discrimination (FRD) and career advancement in the public sector. By employing a primarily qualitative embedded research design, semi-structured interviews and exit surveys were conducted in three New Jersey public schools to study a sample of teachers and similarly situated professional staff to investigate the organizational and individual dimensions of FRD, the discretion used by people with family responsibilities, and perceptions of the emerging legal concept of FRD. This study is the first of its kind to examine FRD, as opposed to gender discrimination, in relation to career advancement of public sector employees, specifically public school professionals. The results of the analysis of the data, consisting of qualitative themes extracted from the interviews and descriptive statistics from the exit surveys, show that FRD causes teachers to use discretion at home and work, that current organizational factors not only fail to mitigate effects of FRD on the work/family balancing act but sometimes contribute to them, that there is a lack of awareness of the legal concept of FRD, and that FRD directly and indirectly impedes career advancement in the school system. Based on these preliminary results, recommendations for future research and action in the field are suggested.

Preface

As a mother of a young child with a second baby on the way, my worldview not only motivates this project, but my everyday life. I have a vested personal interest in research pertaining to family responsibilities discrimination and how it affects career advancement. My son was born while I was working as a full-time New Jersey state employee, and I experienced first-hand the legal, organizational and personal dimensions of balancing work and family and became keenly interested in how family responsibilities are handled by employers in the public sector. Examining family responsibilities discrimination, a neglected area of public inquiry, will help facilitate public sector growth in a healthy, inclusive and productive manner, while allowing for the healthy development of American families.

Having revealed my personal interest in this work, I committed myself to carefully employing sound and reliable research methods in order to produce reliable and useful findings in this study. My hope is that this study will serve as a building block for future studies that will help to inform policy regarding better conditions for caregivers at work and their families.

Upon conclusion of this study, on March 20, 2012, the U.S. Supreme Court ruled 5-4 in *Coleman v. Maryland Court of Appeals* that state workers cannot sue for financial damages if their employers refuse them medical leave under the Family and Medical Leave Act, which jeopardizes not only ill state workers but pregnant ones. There is much work left to do.

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Table of Contents

Chapter I	
Introduction.....	1
Chapter 2	
Literature Review.....	13
Chapter 3	
Research Design and Methods.....	45
Research Questions and Propositions.....	45
Research Design.....	49
Research Methodology and Methods.....	51
Sampling.....	55
Ethical Issues.....	61
Chapter 4	
Qualitative Results.....	62
Themes.....	65
Linking Themes to Propositions.....	94
Quantitative Results.....	99
Chapter 5	
Conclusion.....	106
Summary & Discussion.....	106
Limitations.....	116
Recommendations for Action.....	117
Future Research.....	119
Bibliography.....	122
Appendix 1: Interview Protocol.....	135
Appendix 2: Story Instructions.....	136
Appendix 3: Exit Survey.....	137
Appendix 4: Consent Form.....	139
Curriculum Vitae.....	142

List of Tables

Table 1: More Women are Working.....	39
Table 2: Women as a Growing Percentage of the Workforce.....	40
Table 3: Proportion of Mothers in the Workforce.....	40
Table 4: Employed Parents in the Labor Force.....	59
Table 5: Percentage of Fathers and Mothers in Dual-Earner Couples Working At Least 20 Hours Per Week Report Work-Life Conflict (1977-2008)	60
Table 6: Types of Family Responsibilities.....	63
Table 7: Codebook.....	99
Table 8: Descriptive Statistics.....	100
Table 9: Position Title.....	102
Table 10: Education.....	102

List of Illustrations

Illustration 1: Procedural Diagram.....	49
Illustration 2: Family Responsibilities.....	57
Illustration 3: Age.....	101
Illustration 4: Years in Position.....	101
Illustration 5: Race and Ethnicity.....	102
Illustration 6: FRD Awareness.....	103
Illustration 7: FRD Litigation Perceptions.....	103
Illustration 8: Do You Think FRD Occurs Often?	104
Illustration 9: Can You Sue Your Employer for FRD?.....	104

Chapter 1: Introduction

Examining the relationship between family responsibilities discrimination (FRD) and career advancement is important for public administration, and has great consequences for women and gender studies, since family responsibilities often weigh most heavily on women (Abaya, 2011). However, this is not just a women's issue. The relationship between FRD and career advancement is one that is pertinent to an entire workforce that is becoming increasingly diverse, as family structures diversify. In fact, Riccucci's (2002) work on managing diversity emphasizes ways to successfully manage a diversified workforce and discusses how important managing diversity is with the increasingly diverse workforce. Taking a closer look at this issue is critical for the ability of women and people with family responsibilities to advance in public sector workforces.

The purpose of this study is to determine whether FRD hinders career advancement for women and specifically, people with family responsibilities. The study used a mixed-methods approach to compare three different public schools in New Jersey, to examine FRD in the public sector. An embedded design is used in which quantitative data are embedded within a major qualitative design. The qualitative data investigates three research questions, while the quantitative data is used to provide descriptive statistics and investigate one research question. The following questions are addressed:

1. What is the nature of discretion people with FR use in the workplace/at home?
2. What are the organizational and individual dimensions of FRD?
3. What are the perceptions of FRD as a phenomenon and emerging law?
4. How does FRD affect career advancement?

For the purposes of this study, it is useful to explore how people with family responsibilities might use more or less discretion at work and at home than their colleagues without family responsibilities and what the nature of this discretion entails. It is also important to better understand the particular situations people with family responsibilities face in balancing work and family responsibilities both at home and in the workplace, and how these particular situations and conditions may have an effect on their behavior and perceptions. By investigating both individual and organizational factors that influence the particular situations of workers with family responsibilities, we can gain insight into the circumstances in which family responsibilities discrimination may occur and by examining the nature of discretion, we can get a better sense of how people manage the balancing act. Then by comparing perceptions of how FRD affects career advancement, we can better understand how employees themselves view the link between current organizational and individual dimensions of FRD and career advancement that is tempered, for better or worse, by discretion. Furthermore, getting a sense of the level of awareness of FRD as an emerging legal concept among the street-level community is beneficial for informing the level of need for community outreach regarding this topic.

Background and History

The issue of balancing work and family responsibilities has almost been exclusively a women's issue. Beginning with pregnancy discrimination laws, most notably the Pregnancy Discrimination Act of 1978, which amended the Civil Rights Act of 1964, the rights of women to work and plan a family have been protected. The 1978 law prohibited discrimination based on pregnancy, and more specifically, section 701 of the Civil Rights Act that prohibits discrimination 'on the basis of sex' or 'because of sex' would now include because of childbirth, pregnancy, and related medical conditions. It also said that although employers do not need to foot the bill for health benefits for abortion, if the mother's life is in jeopardy, it becomes a requirement. Studies abounded in pregnancy discrimination. Dabrow and Ameci (1991) remind us that the Supreme Court reaffirmed the principles of the Pregnancy Discrimination Act and made sex-based protection policies illegal on the assumption that pregnancy is not a disability but should be legally treated as such in terms of providing pregnant people with the same benefits to which disabled people are entitled. Yet Pregnancy Discrimination, "continues to be one of the most challenged, misunderstood, and litigated areas of Title VII because of the historical 'woman equals mother' mentality of American society," (Rico, 1998, p. 207). The issue of pregnancy discrimination has had far-reaching effects. In fact, the recent movement for job-protected paid leave began with the need for time away from work due to pregnancy (Shiu & Wildman, 2009).

By the late 1980s, the emphasis had shifted to efforts to balance work and family, including many private firms offering onsite childcare provisions, flextime and work-from-home policies. Family responsibilities continue to be a major focus in the U.S. in recent years. The Family and Medical Leave Act of 1993 was passed at the federal level so that American workers could take unpaid time off from work while enjoying job protection to care for a new baby, an ill family member, or their own illness.¹

Unfortunately, not all workers are covered by this policy and millions of those covered cannot afford to take *unpaid* leave. Americans are working longer hours than ever before and in nearly eighty-percent of American families, both partners work.² In fact, a recent study done by the National Partnership for Women and Families reported the following facts: almost two out of five working parents whose incomes fall below 200 percent of the federal poverty level have no paid leave at all (this includes no sick days, vacation, or paid personal days to apply toward leave). Yet, over three fourths of voters (across geographic, demographic and party lines) are in favor of expanding FMLA to provide paid leave, according to a June 2007 national survey.³ A U.S Department of

¹ U.S. Equal Employment Opportunity Commission. Retrieved May 3, 2011 from <http://www.eeoc.gov/laws/statutes/pregnancy.cfm>

² www.nationalpartnership.org

³ National Partnership for Women and Families. (2005). *Expecting Better: A State-by-State Analysis of Parental Leave Program*. Retrieved September, 2011 from www.nationalpartnership.org

Labor survey showed that out of workers who were entitled to FMLA benefits but did not opt in, 78 percent said they could not afford to not get paid during leave.⁴

It is not surprising that there is a link between the need for paid leave and income levels. Without paid leave for parents, poor children are at higher risk for suffering the fall-out. Roughly six out of ten children of single mothers were near or under the poverty line; also children raised in homes with both parents grow up with more financial and educational advantages than those of single parents, according to U.S. Census Bureau statistics.⁵ Thus, if children of single parents are at higher risk of poverty and educational disadvantages, there is probably more of a chance their parents will have less access to paid leave. This is also problematic because the first months after a birth or adoption are critical for bonding between parent and child, which can help the baby's brain and social development. Leave to bond with a child has been shown to yield better prenatal and postnatal care, and more of a chance that the child will be immunized, which is directly related to lower infant death rates.⁶

Ironically, this is particularly an American problem. In fact, a 2007 study from McGill University found that out of 173 countries, the U.S., Swaziland, Liberia and Papua

⁴ Walsh, J. (Oct. 23, 2009). The US Lets Families Down. *The Huffington Post*. Retrieved October 25, 2011 from www.hrw.org

⁵ U.S. Department of Commerce Economics and Statistics Administration (1997, Sept.), Census Brief.

⁶ Grant, J., Hatcher, T. & Patel, N. Expecting Better: A State-by-State Analysis of Parental Leave Programs, p. 3. Retrieved March 30, 2012 from <http://www.nationalpartnership.org/site/DocServer/ParentalLeaveReportMay05.pdf?docID=1052>

New Guinea are the only ones that do not provide paid maternity leave; on the contrary, in most wealthy countries, parents can sometimes receive as much as 47 weeks of paid family leave.⁷ Not much has changed since Cook (1989) argued that the U.S. is a rare exception to most industrialized countries in that it had no federal policies to protect family responsibilities.

The U.S. Commission on Family and Medical Leave reported to Congress in 1996 on the progress of the Family and Medical Leave Act. Although it deems FMLA to be a progressive step in the right direction, it identifies several issues in need of further attention. According to Honorable Lynn C. Woolsey, despite evidence that leave is beneficial to employers' bottom line, the number of employers providing paid leave has declined.⁸

In addition to a need for a family-friendly solution to take time off for family care, paid leave is not exclusively a boon for employees. In fact, employers stand to greatly benefit from family-friendly policies. According to the New York State Paid Family Leave Coalition, workers with paid leave show increased job satisfaction, commitment, and morale, which ultimately benefit the employers, too.⁹ The benefit to employers is even more of a reason to ensure that a family illness or birth does not

⁷ Daly, Lew. (Aug. 3, 2009). The Case for Paid Family Leave. Newsweek. Retrieved on March 30, 2012 from www.newsweek.com.

⁸ Commission on Family and Medical Leave, 1996 Commission on Family and Medical Leave. (1996). A workable balance: Report to Congress on family and medical leave policies. US Department of Labor, Washington, DC.

⁹ Center for Working Families. Working New Yorkers Need Family Leave. New York: State Paid Family Leave Coalition. Retrieved September 2011 from <http://www.hwcli.com/documents/news/553.pdf>.

force a person to choose between their family and their job. Despite all of the evidence for both the need and desire for paid leave, the federal government only offers unpaid leave across the board, while California, New Jersey and Washington are the only states that have opted to offer *paid* leave, with California and New Jersey actually paying for it.

Even before the passage of FMLA, people were thinking about family leave. S.E. England (1990) focuses on care of elderly as a reason for leave, and she does a gender justice policy analysis, prior to the approval of FMLA. She concludes that the policies themselves do not harm women, but that without feasible and decent alternatives to elder care, family leave does nothing to protect many women from being exploited both at work and at home.

Various studies have examined the effects of FMLA and family leave. Waldfogel (1999) uses data from employer surveys and the March Current Population Survey to look at leave-taking, coverage, employment and earnings. Her methodology was a difference-in difference and difference-in-difference-in-difference analysis. The study showed that leave usage and coverage increased after FMLA, even though leave was unpaid, on a national scale. She looks at data from the Commission on Family and Medical Leave, which showed that people with unpaid leave, in 1996, were more likely to be of lower income status, and certain individuals went on public assistance while on leave. She says despite assumptions that FMLA would adversely affect employers and employees, she predicts based on her findings that if paid leave were to be offered, the positive effects would balance out cost to the employer.

Armenia' and Gerstel (2006) look at how different types of leave vary after the implementation of FMLA. They find that since the legislation only provides unpaid leave, there is a good chance it will help to reproduce gender inequality that is reminiscent of occupational segregation or unequal pay. They also say that we cannot ignore differences within families, and that couples have a higher likelihood of taking leave than others who have no other financial support. They look at racial differences and they were the first to examine both race and gender in relation to family leave. They also say it is not much different than most labor law in the U.S., and that it has both gender and race consequences. They use data from a national survey conducted by the Congressional Commission on the Family and Medical Leave Act, 1996 to emphasize how gender inequalities could be furthered by a gender-neutral policy, and they link this to how society views the roles of women as primary caregivers in the family structure.

Gerstel and McGonagle (1999) also use national data from the Commission report to find that women who most needed the leave were less likely to take it, along with single mothers. African Americans were also less likely than white women to be able to take leave. They say the limits of FMLA could reinforce gender, race, and family status biases.

Waldfoegel (2001) did a study regarding the 2000 survey of employers and employees, which showed that family and medical leave is becoming a main component of employer and employee experience and that there is a great demand for provisions for paid leave.

Kim (2001) investigated the organizational factors that affect whether or not family leave policy is successful, according to three determining factors: organizational culture, personnel commitment, and teamwork among management. She uses employee surveys and interviews in a case study design focusing on public organizations. The study showed that it is important for employee supervisors and colleagues to be supportive of family leave.

There are also studies that specifically studied paid leave. Ruhm (1998) examined the economic effects of paid parental leave in nine European nations from 1969-1993, and investigates how paid leave can affect the gap between men and women in terms of the labor market. He found that parental leave is linked to increases in women's employment, but a lessening of wages over extended time periods.

Milkman and Appelbaum's study (2004) focused on paid family leave and was based on two surveys conducted in California to get a sense of whether people there supported paid leave and were aware of paid leave. They concluded that Californians across all demographics supported the idea of paid leave and the most important task at hand for paid leave supporters is to make sure awareness about it is increased.

Michel (1999) reports that women's rights are often set up against child care, as if they are in conflict with one another, and inevitably the discussion gets re-routed to protect children whereas women's rights get lost. Without a focus on women's rights, it is not a far stretch to imagine how simple it then becomes for women's interests to be forgotten. While child welfare and women's rights are closely tied to each other, they are still separate.

Overall, the discussion over family leave, both paid and unpaid, is only the tip of the iceberg when it comes to family responsibility. Since the focus shifted from pregnancy discrimination to discrimination against people with family responsibilities, various questions remain unanswered. What about the everyday lives of the average American family, for example when maternity leave is over and a new mother has to return to work while caring for a newborn on little sleep? What happens to a man who must occasionally leave work early to care for his ailing father on an extended basis? There is no federal legislation that sets forth guidelines related to this sort of everyday balancing act. While this tension has historically lead to women dropping out of the full-time workforce, more and more dual-income families struggle to make ends meet, raise their children, care for aging parents and advance their careers, but the question remains: are they worse off than their colleagues in terms of career advancement?

Road Map

The following chapter will provide a literature review defining FRD and how it differs from gender discrimination, and then will cover an array of work in various disciplines. The literature on career advancement mentions a variety of possible mediating factors to career advancement that have been studied such as gender stereotypes and informal networks but overall research is mixed in terms of gender effects on career advancement. Then research on work/family balance is discussed including how women have more family responsibility conflicts with work (Limacher, 1998), more work-life balance equals more career advancement potential (Lyness & Judiesch, 2008), family to work conflict is linked to absenteeism and stress (Anderson,

et.al., 2002), and leaves of absence are associated with lower salary and fewer promotions regardless of reason for leave (Lyness & Judiesch, 1999). The family responsibilities and career advancement literature discusses topics such as, “bias avoidance” (Drago, 2006), how family seen as impediment to career advancement even after FMLA (Brett, et. al., 1997), and that women must work harder than men (Gorman & Kmec, 2007). Some bureaucratic discretion literature is also reviewed, which informs us that discretion has been viewed as beneficial, problematic and inevitable. Most studies on discretion focus on effects of discretion related to work roles and outcomes, whereas this study will focus on how discretion is affected by and has effects on family responsibilities, which to date, is a deficiency in the bureaucratic discretion literature. Then there will be a discussion of studies that have been done on public school teachers that are relevant to this study and deal with issues such as work-family balance, but none specifically take on FRD or its relationship to career advancement. Finally, relevance of this study to the field of public administration will be explained, followed by a recap of existing deficiencies in the literature and how this study goes beyond the current literature by providing qualitative data specifically addressing the relationship between FRD and career advancement, including a storytelling element.

A brief discussion of the research framework¹⁰ will be provided in Chapter 3, followed by Chapter 4 that outlines the research design and methods, research questions and propositions, research methodology, sampling, and ethical issues. Chapter 5 will explain the qualitative results included themes and links to propositions,

¹⁰ Due to the use of Grounded Theory in this study, which relies on building theory from the bottom-up, a traditional theoretical model is not used.

followed by the quantitative results. The findings indicate preliminary evidence to suggest that the discretion employed by people with family responsibilities at work and at home is complex, that organizational factors do not cancel out the negative effects of individual factors related to family responsibilities, that there is a lack of awareness of FRD, and that there is reason to believe based on subjective employee perceptions that FRD has a negative effect on career advancement. Chapter 6 will provide a summary and conclusive discussion, limitations of this study, recommendations for actions in the field, and suggestions for future research.

Chapter 2: Literature Review

Family Responsibilities Discrimination

Family responsibilities discrimination (FRD) is a concept that is used to describe discrimination against an employee on the basis of her or his responsibilities as a caregiver (Martucci & Sinatra, 2008). Since there is no specific federal FRD law, various laws are used to bring legal claims involving FRD, which include Title VII of the Civil Rights Act of 1964, the Pregnancy Discrimination Act (PDA), the Family and Medical Leave Act (FMLA), and the Americans with Disabilities Act (Martucci & Sinatra, 2008). However Alaska and Washington D.C. are states that have specific FRD protections. In Alaska, parenthood is a protected class and this is applicable to protect against discrimination in employment at all private firms as well as state and local entities.¹¹ In the District of Columbia, having family responsibilities is a protected classification.¹² There are also many local laws springing up that protect the rights of caregivers. Bornstein and Rathmell (2009) present an analysis of 63 local laws in 22 states that go beyond state and federal law in order to prohibit FRD. These local laws create a new protected class of people with family responsibilities, by specifically including parental or familial status or family responsibilities right alongside other traditionally protected classes such as race, sex, disability, and religion.

¹¹ <http://www.worklifelaw.org/pubs/LocalFRDLawsReport.pdf>

¹² <http://www.worklifelaw.org/pubs/LocalFRDLawsReport.pdf>

Family responsibilities discrimination covers such a wide array of issues, circumstances and situations and it is not a problem likely to go away any time soon. FRD litigation has been increasing in volume, and according to a 2006 report by the Center for Worklife Law at the University of California Hastings College of the Law, FRD claims had increased 400% during a ten year period, and employees seemed to win in over 50% of the time, and judgments were as high as \$25 million (Miller, Freeman & Phan, 2008) . Case settlements and verdicts in FRD cases are estimated to be on average over \$500,000 (Sloan Work and Family Research Network, 2010). According to Calvert (2010), there have been cases from every industry, state and organizational level, regardless of the size of the organization. Calvert also finds three recent trends in FRD: New Supervisor Syndrome, Second Child Bias and The Elder Care Effect. The more studies delve into this emerging area of law, the more we are finding out about what is really going on in American workplaces and how this affects all workers.

How FRD Differs from Traditional Gender Discrimination

FRD claims are different from traditional gender discrimination complaints in various ways. First, since there is no specific Family Responsibilities Discrimination law, various laws are used to bring legal claims involving FRD, which include Title VII of the Civil Rights Act of 1964, the Pregnancy Discrimination Act (PDA), the Family and Medical Leave Act (FMLA), and the Americans with Disabilities Act (Martucci & Sinatra, 2008). Claims have also been brought under The Employee Retirement Income Security Act (ERISA) (Katz, 2009), as well as the Equal Pay Act (EPA) of 1963 and the Equal Protection

Clause of the U.S. Constitution, not to mention claims brought via common law theories of states such as breach of contract and wrongful discharge¹³. There are also many local laws emerging that specifically protect the rights of caregivers. Bornstein and Rathmell (2009) present an analysis of 63 local laws in 22 states that go beyond state and federal law in order to prohibit FRD. These local laws create a new protected class of people with family responsibilities, by specifically including parental or familial status or family responsibilities right alongside other traditionally protected classes by law such as race, sex, disability, and religion.

Traditional gender discrimination complaints are made on the basis of gender. These claims are rooted in a long history of legal exclusion of women in the U.S. from rights to own property, vote, hold public office or work outside the home¹⁴. Sex is a federally protected legal class, due to the protections afforded by the Civil Rights Act of 1964 and the Equal Pay Act. FRD claims are legally different because they are based on discrimination against caregiver responsibilities of a family member, a category that is not legally protected by federal law. FRD claims may also be based on gender discrimination; in fact, 92% of FRD cases are filed by women¹⁵. The EEOC points out that FRD cases usually arise from employment decisions that were determined on the basis

¹³ <http://www.thefederation.org/documents/V59N1-Miller.pdf>

¹⁴ <http://legal-dictionary.thefreedictionary.com/Sex+Discrimination>

¹⁵ <http://www.thefederation.org/documents/V59N1-Miller.pdf>

of stereotypes about caregivers, as opposed to the behavior and performance of each person¹⁶. This is somewhat different from stereotypes based on gender.

Traditional gender discrimination claims often take the form of either the Price Waterhouse model (gender stereotyping), sexual harassment (hostile work environment and quid pro quo), or more recently, discrimination against transsexuals (Katz, 2009). Since the Sixth Circuit's ruling in *Smith v. City of Salem, Ohio*, an employee can bring a claim of gender discrimination under Title VII if such employee alleges discrimination based on the fact that he was having treatments done that would make him look more feminine (Katz, 2009).

Although FRD law is a relatively new and emerging area of law, Calvert (2010) finds three recent trends in FRD cases: New Supervisor Syndrome, Second Child Bias and The Elder Care Effect. Most FRD claims are brought by women (who also happen to be mothers), however a large number are brought by men; most of these claims involve taking leave to care for a relative, despite being able to argue sex discrimination by way of Title VII based on a gender stereotyping theory that they were treated differently at work because they did not live up to the male breadwinner stereotype (Williams & Bornstein, 2008).

Williams and Bornstein (2007-2008) discuss FRD case law in relation to what they call the most important development in the field at the time- the U.S. Equal Employment Opportunity Commission's 2007 guidelines about what caregiver discrimination consists of under the American with Disabilities Act and Title VII.

¹⁶ <http://www.thefederation.org/documents/V59N1-Miller.pdf>

According to these guidelines, when there is evidence of gender stereotyping a prima facie case can be made under Title VII even “without specific comparator evidence” and even “unconscious” or “reflexive” bias can be considered discrimination. More recently in 2011, the EEOC also released a set of “best practices” to guide employers in how to handle and prevent FRD¹⁷.

Williams, Bornstein, Reddy and Williams (2006-2007) note that FRD cases often favor the plaintiffs because regardless of politics, judges are going to be displeased with employers who penalize workers for being responsible caregivers to their family, and they cite two Supreme Court case decisions that illustrate this point: *Nevada Dep't of Human Resources v. Hibbs* (upheld the verdict that the FMLA applies to state governments) and *Burlington Northern & Santa Fe Railway v. White* (a harassment case that adopted a broad standard for retaliation under Civil Rights Act, Title VII).

Despite such differences between FRD claims and traditional gender discrimination claims, gender is still very much involved in FRD. According to Pontikes (n.d.), the male standard has something to do with what is going on in terms of discrimination against caregivers:

For women, the male construct of the ‘ideal worker’ forces them to make one of three choices: a) perform two jobs (the marketplace job and a care-giving job), b) not enter the workplace at all or leave it when after taking on care-giving responsibilities, or c) work in a marginalized setting (for example, part-time work). These three categories are a result of the societal problem of sex discrimination that forces women into traditional roles. However, in the popular imagination, when women are forced into one of these three categories, it is called their ‘choice.’ Thus, penalties from employers toward workers with family responsibilities - particularly employing stereotypes of how care-givers will or should act - have not traditionally been viewed as actionable, (Pontikes, n.d.).

¹⁷ <http://www.eeoc.gov/policy/docs/caregiver-best-practices.html>

Similar to gender discrimination, FRD also affects lower income workers. According to the Sloan Work and Family Research Network, low-wage workers are likely to suffer from FRD. Bornstein (2011) identifies six emerging patterns: high level of hostility to pregnancy in low-wage workplaces, lack of flexibility in low-wage jobs, low-wage workers being harassed or treated in a disrespectful way, low-wage workers being denied their rights involving caring for family members, hostility toward low-income men caregivers, mothers of color are treated more harshly than white mothers. This report also asks important policy questions about how as a society we expect mothers to go off welfare and work if conditions are not family friendly and FRD causes low-income caregivers to lose their jobs.

Further staggering statistics compliments of Williams & Bornstein (2008) as reported on the Sloan Work and Family Research Network, inform us that mothers are 79% less likely to be recommended for hiring, 100% less likely to get a promotion, and are offered \$11,000 on average less for the same position as those who are non-mothers, controlling for qualifications (Sloan Work and Family Research Network, 2010). This speaks to Williams and Bornstein's (2008) discussion about how there is a growing body of literature that says the "maternal-wall" bias (bias against mothers) is currently the most common form of gender bias in the workplace.

Katz (2009) also cites "maternal wall" bias as the most prevalent type of FRD and defines it as follows:

Maternal wall bias is bias against women because they are mothers. The maternal wall theory explains why some women never experience discrimination at work until they become mothers. Maternal wall bias tends to be triggered at

one of three moments when maternity becomes salient – when a woman announces her pregnancy (or begins to appear pregnant), when she returns from maternity leave, or when she switches from full-time work to a flexible work arrangement. The maternal wall bias is also implicated in the common “lack of fit” pattern of FRD. “Lack of fit” stereotypes involve an employer’s assumption that a particular – usually high-powered – job is inappropriate for a mother. The employer typically channels the mother toward more “suitable” employment roles, typically into jobs with little or no opportunity for advancement, (Katz, 2009).

Maternal wall bias is clearly embedded in gender discrimination, but is perhaps a specific type of gender discrimination, and so thought of as something that is more a part of the FRD sphere. While FRD claims are essentially different than traditional gender discrimination claims, they are very much related and often intertwined. Citing the sociological literature about how many women do not perceive gender stereotyping at work until they become mothers, a study that showed how mothers are held to higher standards at work, and a study revealing evidence of parenthood helping fathers gain credence at work, Williams and Bornstein (2008) explain how “maternal wall stereotypes” differ from gender and racial stereotypes because the concept of an ideal mother appears to be a nice/positive one until it is shown to be mismatched with work roles (“incongruity”). They also point out how discrimination against mothers has been shown to differ by race and sexual orientation. In many instances, it is not strictly a gender issue, but a mother issue.

But the conversation seems to be conflated, since historically speaking, the issue of balancing work and family responsibilities has almost been exclusively a women’s issue. Beginning with pregnancy discrimination laws- most notably the Pregnancy Discrimination Act of 1978, which amended the Civil Rights Act of 1964-

the rights of women to continue working while caring for a family have been protected. The 1978 law prohibited discrimination based on pregnancy, and more specifically that section 701 of the Civil Rights Act that prohibits discrimination 'on the basis of sex' or 'because of sex' would now include because of childbirth, pregnancy, and related medical conditions. It also said that although employers do not need to foot the bill for health benefits for abortion, if the mother's life is in danger, it becomes a requirement. Studies abounded in pregnancy discrimination. Dabrow and Ameci (1991) remind us that the Supreme Court reaffirmed the principles of the Pregnancy Discrimination Act and made sex-based protectionist policies illegal on the assumption that pregnancy is not a disability but should be legally treated as such in terms of providing pregnant people with the same benefits disabled people would be privy to. Yet Pregnancy Discrimination, "continues to be one of the most challenged, misunderstood, and litigated areas of Title VII because of the historical 'woman equals mother' mentality of American society," (Rico, 1998, 207). The issue of pregnancy discrimination has had far-reaching effects, in fact the modern movement for job-protected paid leave began from the need for time away from work due to pregnancy (Shiu & Wildman, 2009).

Career Advancement

Rynes and Rosen (1983) found no differences in attitudes toward career advancement across gender, and both men and women seemed to have similar ideas about the size of salary increments needed to accept various promotion opportunities. However, much work has been done specifically on career advancement of women.

Newman (1993) surveyed elite public managers in Florida State government to uncover barriers women face to career advancement. Newman (1994) also looked at differences in agency types and concluded that gender is not the only factor in career advancement, but was unable to definitively say which of Lowi's agency types is best for promoting career advancement. She found various barriers to career advancement were present in the workplace such as sex-role stereotype, access to informal networks and sexual harassment, and the extent to which these were present varied across agency type.

Martins and colleagues (2002) found that a significant relationship exists between work-family conflict and career satisfaction for women, when controlling for age, but for men, work-family only seemed to negatively impact career satisfaction in later stages of their careers, and the relationship was more significant for people in the minority gender in their group at work, but lessened when a person had strong community ties.

Tharenou (1994) and colleagues tested different models of influence on women and men's career advancement as managers, finding that training helped men more than women and led to advancement, while family responsibilities reduced women's work experience but increased men's. Tharenou (1999) also conducted a longitudinal study that found family structures predicted advancement of managers for both sexes but employment disruption for women only. Their most interesting finding was the single men and women without children seemed to advance more slowly than people with other family structures.

Kirchmeyer (2006) studied three explanations for the different effects of family on careers by examining American doctoral graduates. The impact of family on career outcomes was felt at entry, early, and middle career levels and having a young child, as well as having an unemployed spouse, were associated with women favoring work-family balance in jobs, which often had geographic restrictions. Family structure was not associated with job preferences for men and only men enjoyed performance benefits in later career from having a non-employed spouse. Having a non-employed spouse was correlated with achieving higher levels by middle career regardless of gender, which put women at a disadvantage in career advancement because they were much less likely to have non-employed spouses.

Valcour and Tolbert (2003) studied a sample of dual-income couples to try and find the consequences and determinants of organizational mobility and found that there were various differences across gender. They found that women attained more inter-organizational mobility and men attained more intra-organizational mobility, while having children increased intra-organizational mobility for women, and increased inter-organizational mobility for men. They also noticed mobility between organizations lowered earnings but didn't affect people's perception of success in their careers, while changing jobs within an organization increased earnings, but negatively affected success perceptions.

Various researchers have also looked at career advancement and women in Europe and Australia. Liff and Ward (2001) interviewed managers in the UK to see whether women's lack of representation in high management could be attributed partly

to messages they receive regarding promotions and requirements of senior jobs, and they saw that being an active parent seemed to be incompatible with having a senior position.

Melamed (1995) studied the career success gender gap in Britain, across salary and managerial level differences, and found that 55% of the gap in career success was a result of sex discrimination, as opposed to personality, demographics, choices, organizational features, etc.

Alimo-Metcalfe (1993) reviewed literature on women in management in the United Kingdom to try to pinpoint barriers within assessment procedures for women who want to advance in their career; organizations tend to want to increase “sophistication” and “fairness” which may be strengthening discrimination rather than alleviating it.

Metz and Tharenou (2001) studied human and social capital in relation to career advancement in Australia and found that women reported discrimination on the basis of gender as their most common barrier to advancement at all levels.

Veale and Gold (1998) interviewed 10 female administrators in a British metropolitan district council and found their career progression was harmed by lack of career counseling, family-work conflicts, lack of management development for women, and particularly a managerial culture where women do not totally fit in.

Linehan and Walsh (1999) studied the senior female international managerial career move in Europe by interviewing across various industries and found that the women cited various roadblocks to senior positions.

Informal networks seem to stand out as a crucial missing link for women looking to advance their career. Combs (2003) cites progress has been made in advancing women's careers, but that African American women face a dual struggle of race and gender and that literature on workplace social networks holds up informal socialization systems as the best route to career advancement, a route from which African American women are often left out. Lyness (2000) tracked the routes of career advancement of a sample of men and women and noticed women seemed to have greater barriers, such as culture and informal network issues. While certain aspects were similar, men had more overseas assignments and women had more assignments with non-authority relationships. Daley's (1996) research found, through regression analyses, that ethnic and gender considerations affect career advancement in different ways, with work and family responsibility issues being the main cause of these differences. White male employees seemed to be less dependent on education, prior experience and performance ratings for career success, than women and minorities. Their analyses showed the advice and mentoring women and minorities get lacks social linkage to decision-making networks that white men enjoy.

Another issue that has been identified as a roadblock to women's career advancement is preconceived notions about people based on gender or race and about the place of family responsibility in a worker's life. Lewis (1997) performed case studies of organizations at different stages of developing family friendly policies to find impediments to shifts in organizational culture, which included "low sense of entitlement to consideration of family needs" and the idea that time stands for

commitment, productivity and value. Also, Rogier and Padgett (2004) looked into whether a woman working a flexible schedule would be perceived as having less career advancement potential than a woman on a regular schedule. Participants perceived the female employee on the flexible schedule had less job-career dedication and less advancement motivation, despite there being no difference in perceived capability. Greenhaus and Parasuraman (1993) found that women's performance was less likely to be attributed to ability than men's performance, and black managers' performance was most likely to be attributed to help from others, as opposed to white managers. They also showed how the effect of race on career advancement operated via job performance ratings and ability attribution.

Saltzstein and colleagues (2001) note that many studies have shown that management and immediate supervisors often impede the progress offered with work-family benefits in a traditional organizational culture that preferences work over personal responsibilities (Families and Work Institute, 1998; Ford Foundation, 1997; Hochschild, 1997; Vincola, 1998), but that perceived organizational understanding of family responsibility seemed to be more closely linked to job satisfaction than direct policies.

Mentorship was also a problem across the research, where it was often lacking for women. For instance, Kelly (1991) and colleagues found inclusion of women in managerial roles at the state level came at a high cost, and that the problem of gender in mentorship was significant.

O'Leary (1997) encourages us to take a holistic women's career development

framework approach to thinking about what “career ambitious” means, and considering such subjective measures like degree of challenge, and sense of growth or development. Martin, Harrison and Dinitto (1983) recommend a five-level framework for change in order to improve women’s status in organizations (societal, institutional, organizational, role and individual), political action against exclusion of women, and a change in division of labor in the home and family responsibilities. They say until the division of labor in the home changes, women will continue to lag behind at work.

Others have approached the issue of career advancement in a normative way. Rhode (2002) argues for a reconstruction of workplace structures, policy and gender roles that would encourage balance. Powell and Mainiero (1992) offer an approach to thinking about women’s careers in a different way than men’s. They suggest thinking about women’s careers by taking into account non-work, subjective measures of success, influence of social and personal factors, and taking away the assumption that women’s careers go through traditional stages through the years. Tharenou (1990) argues, in line with social cognition theory, for studying women’s career advancement with a psychological framework that includes background, cognitive-personal factors and environment, instead of exclusively looking at the individual or context, which is most often done.

Family Responsibilities and Career Advancement

Previous research has provided much insight into how FRD can affect job performance. Lobel and St. Clair (1992) conducted a survey to investigate the effects of family responsibilities, gender and career identity salience on performance and arrived

at interesting findings. They were able to find evidence that neither the number of children nor the presence of preschoolers had a significant direct effect on their effort at work. They found that high level of career identity salience was positively linked to work effort, and that effort does not mediate the relationship between merit increase and career identity salience. There was also no evidence of women having less merit increases than men. Finally, they found women with preschoolers who were family-oriented earned higher merit increases than similarly situated men; career-oriented women with preschoolers earned lower merit increases than similarly situated men. Overall, they found that career identity salience was a stronger determinant of merit increases than gender or family responsibilities. These results suggest that merit increases may be related to whether or not a person conforms to gender stereotypes but they say further research would be needed to determine this. They also found some evidence that how people view themselves can affect their work evaluations, but suggest further research to determine the particulars of this relationship. The main critique of this study is that the population surveyed was a group of high-level employees; they caution surveying a more diverse group of people might produce different results.

Carr et. al (1998) studied medical faculty in relation to how family responsibilities and gender affected career satisfaction and productivity and found that when compared with men or other female faculty with no children, female faculty with children were up against huge obstacles in academia. Some of these obstacles could be lessened by factors such as eliminating late meetings, but the results of their study showed good

reason to take the issue of the gender plus family responsibilities differential seriously.

Gorman and Kmec (2007) found evidence that women must work harder than men by examining survey data from Britain and the U.S. across three decades. Their results showed that difference in effort reported by gender was not explained by job characteristics or family responsibilities and conclude that the connection between gender and required work effort should be explained by stricter performance standards imposed on women, even in the same jobs.

Drago et. al (2006) found among academic faculty women engage in “bias avoidance” related to care-giving more often than men, while both men and women engage in this behavior. They also found supervisor support of caregivers was a strong determining factor in bias avoidance behavior. Therefore, FRD seems likely to affect how workers interact with their colleagues, by increasing their tendency to avoid conversations related to family responsibilities, downplaying their family responsibilities, or feeling like they don’t fit in with the good old boys club of the ideal worker stereotype. Overall, FRD could mean that most people in the workforce are expected to pretend they are something that they are not: family-less devotees to their careers or jobs, and keeping up this false persona could be detrimental to physical and emotional well-being of the workers.

Brett and colleagues (1997) say despite the passage of FMLA, family is still seen as an impediment to career advancement. Workforce patterns maintain a preference for male managers, and the ideal manager is a man with either no family or a wife who cares for the children. Brett uses increase in salary or increase salary plus bonus

controlling for years in the workforce and industry as a measure of career advancement. She notes that what used to be the typical American family is now a tradition of the past- the husband is no longer the sole provider and women are not solely housewives caring for children. From 1978-1989, according to her study, there were more female managers, more dual-income couples and more managers without children. Their data showed that relocation affected career advancement-those who relocated reached higher levels in their organization and enjoyed higher salaries.

Crampton and Mishra (1999) estimate that women catching up to men in numbers in top management positions will not balance out for 20 to 30 years (from 1999) and cite that at the time of the article, only 1.3% of corporate officers were women in the Fortune 50 companies. Bain and Cummings (2000) surveyed 10 national higher education systems and noticed fewer than 10 percent of professors were female, and the more prestigious the institution, the fewer female professors. But why are women behind?

Epstein and Kalleberg (2004) say it is not due to women avoiding long hours, and found that long hours did not scare women off. They set up a work-devotion schema and found that women executives often felt betrayed and rejected by the firm or their colleagues, and “once their faith in work-devotion schema is shattered, they come to resent the long hours their careers demand,” (Epstein & Kalleberg, 2004, p. 307). Becker (1999) says, more often than not wives tend to make cutbacks in their careers in order to balance family obligations. Lyness and Judiesch (2001) studied managers in financial services organizations and saw that promoted women were less likely to resign than

promoted men, overall turnover rates for women were somewhat lower than men, and managers who went on family leave had higher rates of voluntary turnover. Also, managers taking leave who had graduate degrees were less likely to turnover voluntarily than managers with not as much education.

Work and Family Balance

Limacher (1998) and colleagues used a questionnaire to investigate the progress of women in cardiology and found overall women had lower satisfaction with work and advancement, especially in academia, and reported more discrimination, more concerns about radiation and more family responsibility-related conflicts with work. Reed and Buddeberg-Fischer (2001) did a literature review of articles on women's career advancement in medicine and found that although women are more represented in the medical schools, they are not represented across disciplines and in the higher ranks of the field, and cite family responsibilities as one possible reason for this. Perhaps family responsibilities can begin to explain some of the differential.

Vinnicombe and Singh (2003) interviewed 12 elites and found that men and women faced similar career advancement challenges and facilitators, and family roles had an effect on their energy level at work. Ezra and Deckman (1996) conducted an OLS analysis of the 1991 Survey of Federal Employees and found that work/family balance was essential to job satisfaction and that on-site childcare and flextime greatly helped employees, especially mothers. Lyness and Juriesch (2008) studied whether managers with more work-life balance would be expected to advance more or less than their

work-focused colleagues by using peer ratings, supervisor ratings and self-ratings of 9,627 managers in 33 different countries, and found more work-life balance equaled more career advancement potential.

Anderson, et. al. (2002) used structural equation modeling to analyze data from the 1997 National Study of the Changing Workforce (NSCW) and found negative career consequences and lack of managerial support had a significant relationship to work-to-family conflict, even when they accounted for effects of work schedule flexibility. While there were no differences in outcomes across gender, work-to-family conflict was linked to job dissatisfaction, turnover intentions and stress, and family-to-work conflict was linked to absenteeism and stress. Speaking of absenteeism, Boise's (1996) study found caring for parents as opposed to children has less effect on absenteeism.

Despite workplace efforts to lessen the tension between work and family, Blair-Loy and Wharton (2002) found that employees are more likely to use work-family policies if they have powerful supervisors and colleagues to protect them from perceived negative effects on their careers, which suggests many employees do not take advantage of such policies. Likewise, Lyness and Judiesch (1999) found leaves of absence to be associated with lower salary and fewer promotions, regardless of the reason for leave, and leaves also had a negative relationship to performance ratings.

Naff and Thomas (1994) used a federal employee survey and focus groups to look at the glass ceiling in federal bureaucracy and found, while controlling for differences between the sexes in human capital factors, work habits, work opportunities, and personal circumstances, women who have been in the federal

bureaucracy from zero to 10 years and from 20 to 30 years have not progressed in their careers as well as men. However they found little evidence that women who have worked in the bureaucracy between 10 and 20 years have experienced a glass ceiling. What was interesting, though, was that women who opted to have children were the most disadvantaged.

Kelly, Moen and Tranby (2011) conducted a longitudinal study of white-collar organizations and found that schedule control was the most important factor in workplace initiatives reducing work-family conflict. They claim their study is the first to be able to determine whether a certain work policy is able to reduce such conflict.

Balancing work and family has also been framed as a public health issue. Brisson and colleagues (1999) found that large amount of family responsibilities were associated with a significant increase in the blood pressure among white-collar, college graduate females. When both large family responsibilities and high job strain were present, there was an effect on blood pressure, as opposed to only one of those factors being involved.

Estlund (1999-2000) believes that the progress of women in the workplace is also changing family dynamics: "Whatever mechanism of change predominates, the fact remains that legal intervention in support of women's employment opportunities, to the extent it is successful in that sphere, has a significant indirect impact on gender roles within the family," which she says may also include backlash at home by men who feel their power and authority threatened in the workplace.

Discretion

Discretion has long been a topic in public administration over which scholars are divided. As Vinzant and Crothers (1996) explain, some research says it is good that discretion plays a role in administration, other research says it is detrimental, and yet most now agree it is unavoidable. Vinzant and Crothers discuss various perspectives of discretion rooted in the literature: bureaucracy, public policy, professionalism, and politics and then propose a different model, “understanding discretion as an act of leadership,” because it can include a variety of behaviors, demands value considerations, provides standards for success and failure, can describe discretion over process and outcomes, etc. (Vinzant & Crothers, 1996, p. 464).

According to Michael Lipsky (1983), teachers are street-level bureaucrats who use discretion on the front lines to not only implement policy but to create policy in their everyday actions. Other street-level bureaucrats include police officers, lawyers, and doctors. Various studies have examined the discretion of street-level bureaucrats at work, such as discretion of police officers (Grant & Rowe, 2011; Sousa, 2010; Varano et.al, 2009; Boivin et. al., 2011; Lum, 2011; Tillyer & Klahm, 2011; Lowe, 2011; Schulenberg et. al., 2009). Others have looked at social workers and public assistance workers. In his study of determinants of bureaucratic discretion, Scott (1997) found that level of organizational control and client characteristics were the two main factors affecting public assistance distribution. He also found individual attributes of decision-makers were not as influential as previous studies report. Ellis, et. al. (1999) studied teams of social workers to learn how well bottom-up decision-making was controlled by

systems put into effect in the 1990's to reduce social worker discretion and systematize the decision-making process. Using front-line observations as their data, they found discretion varied across all three types of teams, influenced by factors such as criteria-driven systems and new technology, and that it was important to study decision-making from the bottom to the top. Dorch (2009) found preliminary evidence to support Lipsky's theory that case-workers use their own discretion when they do not have policy knowledge, which reinforces the need for training.

Other studies have particularly looked at discretion used by teachers. Taylor (2007) surveyed teachers and reviewed relevant literature to conclude that more central regulation and local accountability brought about by education reform and new public management have chipped away Lipsky's theory that teachers have a large amount of discretion. Plutzer and Berkman (2007) used data from a national survey of biology teachers to show that evolution is taught in different ways based on biology teacher discretion, and is not as affected by state standards. Webster et. al. (2005) found teacher discretion to be a factor in recognizing and reporting child abuse, and that this discretion was likely to cause underreporting of abuse. Boote (2006) says better understanding professional discretion of teachers will help curriculum developers and policy writers better equip teachers to adapt to social conditions.

However, studies on teacher and other street-level bureaucrats' discretion have primarily focused on how discretion is used at work, to affect their particular work related roles and responsibilities and the citizens they serve, unlike this study that investigates how discretion is used both at work and at home based on family

responsibilities, which is more concerned with how the exercise of discretion affects the employees themselves, which inevitably filters down through the public organization and to the citizens served.

Public School Teachers

Although public school teaching seems to be a profession that lends itself to a favorable schedule conducive to work-family balance, there are various depictions of public school teachers as heroes in famous Hollywood blockbuster films such as *Stand and Deliver*¹⁸, and it has quite often been assumed that a teacher's work is never done. Drago, et. al (1999) studied a survey of time diaries, the from the Time, Work and Family project, and found that the average grade school teacher puts in close to two extra hours than what their contract requires. Aside from putting in the necessary hours from about 9am to 3pm in class, many teachers must bring additional work home to prepare lesson plans, grade tests and papers, and create learning environments that are comfortable and inspiring.

The majority of public school teachers in the U.S. are female. According to the World Bank report published in 2010, as of 2009, 86.71 percent of U.S. primary school

¹⁸ "In December 2011, *Stand and Deliver* was deemed 'culturally, historically, and aesthetically significant' by the United States Library of Congress and selected for preservation in the National Film Registry." *2011 National Film Registry More Than a Box of Chocolates*. Library of Congress. December 28, 2011. Retrieved March 14, 2012 from <http://www.loc.gov/today/pr/2011/11-240.html>

teachers were women¹⁹. This is important to consider in regard to this research since women are typically the primary caretakers of any family, and so it could be worthwhile to sample a profession where women are the majority.

Teachers wear many hats, and although they may enjoy shorter work days at the “office” than some other traditional careers in the corporate world, teachers carry a great deal of responsibility on their shoulders as not only teachers, but disciplinarians, mentors, advocates and counselors. Greenglass and Burke (1988) looked at factors that affect burnout in teachers and compared genders, and one of their findings was that women experienced more role conflict than men. Chaplain (2001) studied stress and job satisfaction among teachers in England and found that about half self-reported high levels of occupational stress, while half reported job satisfaction. Griffith, Steptoe and Cropley (1999) found that low level of social support at work was associated with high job stress.

Teachers also have private lives outside of school, which often involves family responsibilities. Cinamon and Rich (2005) looked at “work-family conflict” of 187 female teachers in Israel and found that various teachers had more work to family conflict than family to work conflict and found similar patterns to other occupations in terms of variables such as “teacher stress”, “support variables”, and “work-family conflict”. They were able to explain some of the results based on school level and teacher experience.

Thomas, Clarke and Lavery (2003) conducted a study in Australia to examine the

¹⁹ Trading Economics. *Primary Education; Teachers (% Female) in the United States*. Retrieved March 12, 2012 from <http://www.tradingeconomics.com/united-states/primary-education-teachers-percent-female-wb-data.html>

stress of female primary teachers that arose from work and family and found that the most significant stressor at work was “time and workload pressure”, and the greatest stressor at home was “responsibility for child-rearing”. They also found that stress spillover from work to home was more significant than vice versa.

Previous research also shows teachers who are mothers stand to gain a work benefit due to their sometimes complementary roles. Claesson and Brice (1989) found that despite confusion over role expectation, many teachers reported learning ways to cope and benefit from embodying both roles of teacher and mother.

One study of teachers looked at discrimination of teachers based on gender in relation to career advancement. By interpreting data from the 1987-1988 Schools and Staffing Surveys of the National Center for Education Statistics, Joy (1998) examines whether women are discriminated against in promotion to school administration based on gender, and finds that even when controlling for promotion desire and relevant credentials, men have a better chance of getting a promotion than women. She also cites literature that across any occupation, family responsibilities tend to increase men’s promotion desire, while decreasing women’s desire, while other research shows breadwinners are more likely to seek promotion.

Kidwell (2000-2001) summarizes 30 years of case law regarding pregnancy discrimination against teachers that has improved since the PDA and now FMLA. Teachers have the same rights to FMLA as other workers, but they may be required to stay on leave depending on the circumstances related to timing of the school year. Before FMLA, when employers forced teachers to remain on leave they would lose their

benefits, but now they are protected.

Studying teachers in New Jersey also has particular appeal in 2012, when political tensions are at an all-time high in regard to teacher welfare. As William Selway and Terrence Dopp of Bloomberg explain:

Since taking office in January 2010, Christie has sparred with teachers, slashed spending on schools and sought to diminish government-worker benefits he says the state can't afford. He has emerged as a star among some Republicans, who see him as a model for dealing with the fiscal wreckage of the recession. The Virginia Tea Party named him their top choice for the Republican presidential nomination in 2012, a job he has said he could win but won't pursue.²⁰

With the union up in arms and teachers protesting benefit changes, it is worthwhile to note that the New Jersey gender composition of teachers as of 2009-2010 is 76 percent female, according to State Department of Education statistics, and in fact the state of New Jersey is looking to recruit more male teachers to have a better gender balance among teachers.²¹

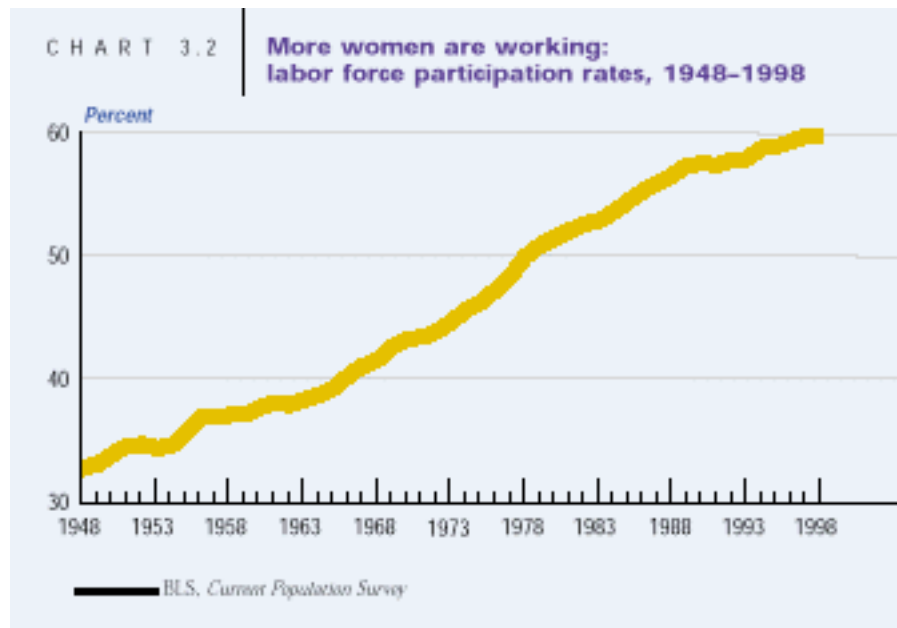
There are also advantages to sampling from a profession that is predominantly women, given the nature of this project, which is trying to capture a dynamic phenomenon that is centered on women. According to the United States Department of Labor,

²⁰ Selway, W. & Dopp, T. (Mar 14, 2011). *Christie Faces Gender Gap as New Jersey Governor Steps Onto National Stage*. Retrieved March 8, 2012 from <http://www.bloomberg.com/news/2011-03-14/christie-faces-gender-gap-as-new-jersey-governor-steps-onto-national-stage.html>.

²¹ D'Amico, D. (Dec. 7, 2010). *With women teaching more than 75 percent of the classrooms, New Jersey schools are looking for quite a few good men*. Retrieved March 8, 2012 from http://www.pressofatlanticcity.com/news/top_three/article_8019bf62-ee1a-11df-9bb0-001cc4c002e0.html

more women are now working, they are a growing percentage of the workforce, and many more women with children are in the workforce (please see Tables 1, 2, and 3)²².

Table 1.



²² Tables 1, 2, and 3 have been extracted from the United States Department of Labor, Office of the Secretary. *Work and Family*. Retrieved March 8, 2012 from <http://www.dol.gov/oasam/programs/history/herman/reports/futurework/report/chapter3/main.htm>.

Table 2.

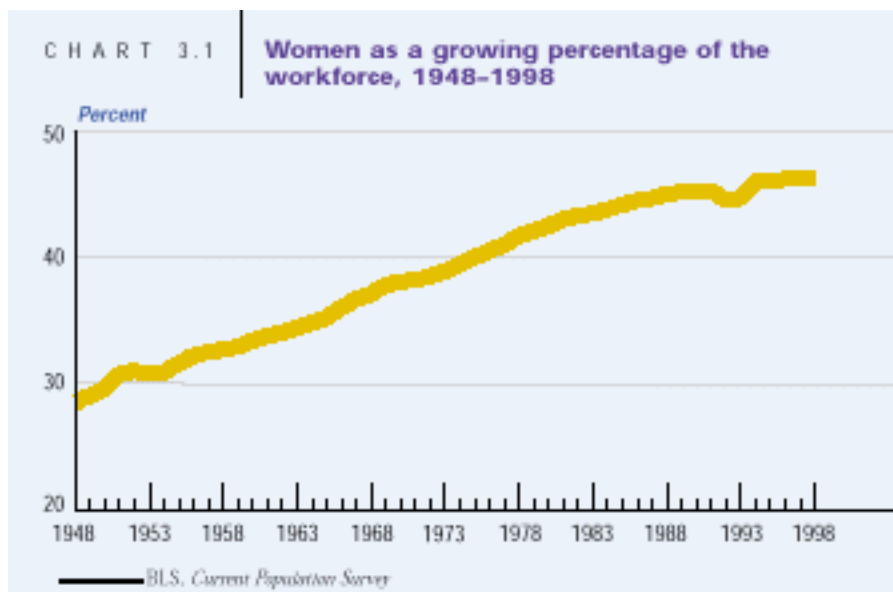
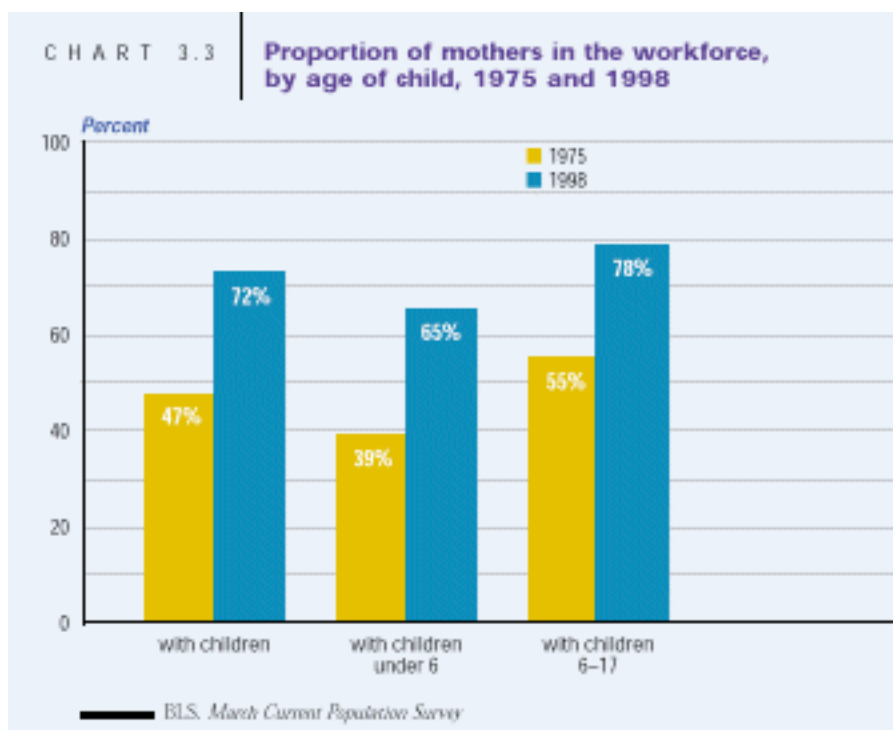


Table 3.



Relevance to Public Administration

Given that this topic is inherently a gender issue, it is important to consider how gender is an important, although often sidelined topic, in Public Administration. Burnier (2003) believes a “gender room” has been emerging in PA but that much work still needs to be done before the discipline can be fully revamped. In fact, D’Agostino and Helisse (2011) cover a wide range of relevant issues and look toward developing a feminist perspective of public administration. Even before this, Frederickson (1991) urged public administrators to base their definition of the public on the Constitution, the idea of a virtuous citizen, responsiveness to the public that includes protection of minority rights, and public service benevolence and says social equity (fairness, justice and equality) is the third pillar of public administration (Frederickson, 2010). Camilla Stivers (1991) explains how business methods, scientific administration and efficiency are not neutral ideas, but that they have gender biases because women’s reform had to become more masculine in order to survive. She urges public administrators to consider gender and realize that the field itself is masculine in terms of its origins, and that women are at a disadvantage as a result.

In practice, Riccucci (2009) has shown there continue to be social inequities in the federal government, whereby women and people of color are still in lower-paying, lower-level jobs with less prestige. Newman (1994) says there are three variable categories that we should examine to improve the status of women in public administration: human capital, socio-psychological, and systemic. From here she found that it was important to look at the role of the system, not just the individual, when

considering this fundamental question in public administration.

In theory, Eagan (2006) says gender, the body and the citizen are realities we manufacture and that administrators should be cautious about the assumptions they make regarding citizen identities. Third wave feminism encourages us to celebrate the individual, but this is difficult if the political system socially constructs women in a particular way that is on the outskirts of democracy, participation and equality. Who manufactures the predominant citizen identities?

According to Marilyn Rubin, the answer to this question is most likely to be that mostly men are the manufacturers of norms and knowledge in the field. In 2000, Rubin wrote a ten-year follow-up to her 1990 PAR article surveying women in ASPA, and concluded that the first fifty years of ASPA, beginning in 1939, was a time of major growth of women in society, but that despite even more progress throughout the 1990's, women have still not caught up to men in terms of research production, and she concludes that women ought to be better represented in the field's literature and knowledge production.

Slack, Myers, Nelson and Sirk (1996) examined the role of women in public administration research, and found women's annual rate of publication was far less than men since Public Administration Review's (PAR) beginning, but that as of the 1990's women have begun contributing more research to PAR. This study, however, did not look at content, just women as PAR authors. Yet gender does surface as a topic in PAR from time-to-time, such as a study of gender differences among agency head salaries (Meier, 2002), and a study on gender and abiding by organizational rules (Portillo &

DeHart-Davis, 2009). Hutchinson & Mann (2006) draw on feminist theory to create a theory of PA that incorporates radical feminism with PA theory and believe feminism will determine the future of the discipline of PA (2004). Similarly, Bearfield's (2009) article in PAR, which he says was inspired by Professor Norma Riccucci, urges the development of a feminist theory in public administration that includes intersection of multiple identities, such as race and gender.

Past research has been presented in this chapter that defines FRD, and examines concepts such as career advancement, work/family balance, and family responsibilities in relation to career advancement. This chapter has also presented literature on bureaucratic discretion and relevant literature on the study of school teachers. Due to the expansive, interdisciplinary nature of the topic of this study, it is necessary to include a disclaimer that all relevant literature has not been reviewed here, but that reasonable conclusions have been made based on the lengthy list of literature from various fields that has been reviewed. Having said that, the deficiencies in the reviewed research are as follows:

1. lack of information about awareness of FRD
2. lack of qualitative data (both from interviews and storytelling) examining the relationship between family responsibilities discrimination (as opposed to gender discrimination) and career advancement
3. lack of theory to explain work/family balance in relation to FRD and career advancement

4. lack of research pertaining to how FRD affects different types of bureaucrats, including public school teachers
5. lack of research on bureaucratic discretion in relation to FRD and effects of discretion on both work and home roles

Research from several disciplines examines balancing family responsibilities with work, and gender discrimination in relation to career advancement, but there is still much work to be done to investigate the relationship between the concept of family responsibilities discrimination (discrimination based on one's having caregiver responsibilities, not based on gender) and career advancement. This study will primarily use qualitative methods of interview and storytelling to investigate this relationship, methods that have yet to be used to examine this relationship, and will rely on perceptions of employees as evidence, which is not a typical method for evaluating discrimination. Furthermore, this study will provide information about teachers in relation to FRD and career advancement, which has not yet been done, despite other studies that have looked at issues affecting teachers like work-family balance and gender discrimination in relation to career advancement. The exit survey will provide preliminary information about general awareness of family responsibilities discrimination, which will begin to fill another gap in the literature.

Chapter 3: Research Design and Methods

Research Questions and Propositions

After reviewing the multi-disciplinary literature, it seems plausible that there may be a constant burden on employees of having to use discretion in order to manage their relationship between family responsibilities and work, despite laws prohibiting FRD. This discretion relates to how workers think the organization views them and their role in the organization, which is shaded by their family responsibilities. Perhaps, people with family responsibilities must use discretion to manage this discrimination they perceive (as blatant or subtle as it may be; at the past or present time) and/or their fear of discrimination at a future point in time. Possible examples of this might be: Refusing to take paternity leave because it's not what men in the organization typically do; Avoiding notification of pregnancy to employer for fear of being detrimental consequences; Not telling potential employers that you have children in an interview for fear of being passed over. This discretion may also take place at home, when managing the work/family balance spills over into activities and responsibilities in the home. Perhaps if employers were more supportive of people with family responsibilities, or fundamentally and structurally inclusive of people with family responsibilities, this might lessen the pressure to use such discretion. Workers with family responsibilities might feel like they are at an immediate disadvantage in the workplace, or feel a greater need to prove themselves as worthy, devoted or successful employees. Further, workers with family responsibilities might also feel the need to use discretion at home while they balance their work/family responsibilities. Workers with family responsibilities might be

forced to use discretion, but might feel less empowered to do so. This type of discretion could be considered an undue burden. It seems like it would then follow that workers with family responsibilities might be more organized and use their time more wisely out of necessity and fear of FRD, as Gorman and Kmec (2007) suggest. However, the question remains, is this hypothetical discretion a reality? If so, what is the nature of such discretion?

Thus, the first research question is as follows:

1. What is the nature of discretion people with family responsibilities use in the workplace/at home?

Then there are two influential factors in examining this issue- the influence of the organization through rules and behavior, and individual influences that are particular to each person. For example, there is the issue of levels of family responsibilities- not everyone has the same type or level of such responsibilities. Workers with children who are ill or have special needs and workers with other family members with long-term health issues might face more FRD than those with healthy/non-classified family members. Workers with family responsibilities who have personal health problems themselves might face more FRD. Workers with pre-school aged children and lower incomes in districts that do not provide pre-school childcare programs might face more FRD because they have to take more time off from work. This might also be true for workers with family responsibilities who have low levels of available extended family/friends in local proximity. Workers with family responsibilities who have lower levels of education and income might also face more FRD.

Therefore, the second research question follows:

2. What are the organizational and individual dimensions of FRD?

As the numbers of FRD cases rise, and as more people become aware of the growing area of FRD law, it seems likely that FRD will greatly affect how managers do their jobs. Lawsuits of large proportions will require more and more paperwork, time spent on training workers, as well as people power to manage and settle such claims, which detract from resources that could be otherwise spent on producing better services for the citizenry. The more cases are brought, the more of a panic this might set-off among management, which could make the workplace unpleasant. The constant concern of playing offense and defense by preventing and then staving off FRD claims could be not only cumbersome but also detrimental to morale and might actually perpetuate stereotypes and bad feelings toward workers with family responsibilities. FRD is truly a consequence of social, cultural, economic, managerial and governmental factors that influence the workforce. Although the literature suggests themes of FRD cases brought to court, it would be helpful to know what the average public employee knows about FRD. Getting a feel for the level of awareness of FRD as a legal concept could be useful information for future workforce planning and training.

The following research question will examine this aspect:

3. What are the perceptions of FRD as a phenomenon and emerging law?

Finally, research questions 1 through 3 help lead us to the final question of how FRD affects career advancement. Recent findings in the September 2010 *Issues of Merit* article (MSPB, September 2010, p. 5) were reported as follows: "MSPB data indicates that having family responsibilities does not necessarily impact career advancement

negatively." The article goes on to say, "Women were, however, slightly more likely than men to believe that their family responsibilities had negatively affected their career advancement. That may reflect differences in the nature and effect of those responsibilities, but also, possibly, differences in how agencies and managers perceive and treat women and men who are faced with family responsibilities," ((MSPB, September 2010, p. 5). Is it true that having family responsibilities does not necessarily impact career advancement? This study focuses on how all kinds of FRD, including and especially unreported/unnoticed FRD, affects career advancement.

The final research question is:

4. How does FRD affect career advancement?

Overall, it is evident that FRD exists, but we have much to learn about the ways in which FRD invades the workplace, subtly and blatantly, and how this affects the ability of people to advance in public sector careers. The propositions of this study that should be examined within the scope of the study and reflect important theoretical issues include the following and are linked to the research questions:

Proposition 1: The nature of discretion used by people with family responsibilities in the workplace and at home is complex.

Proposition 2: Current organizational factors fail to mitigate the effects of individual family responsibilities on the work/family-balancing act.

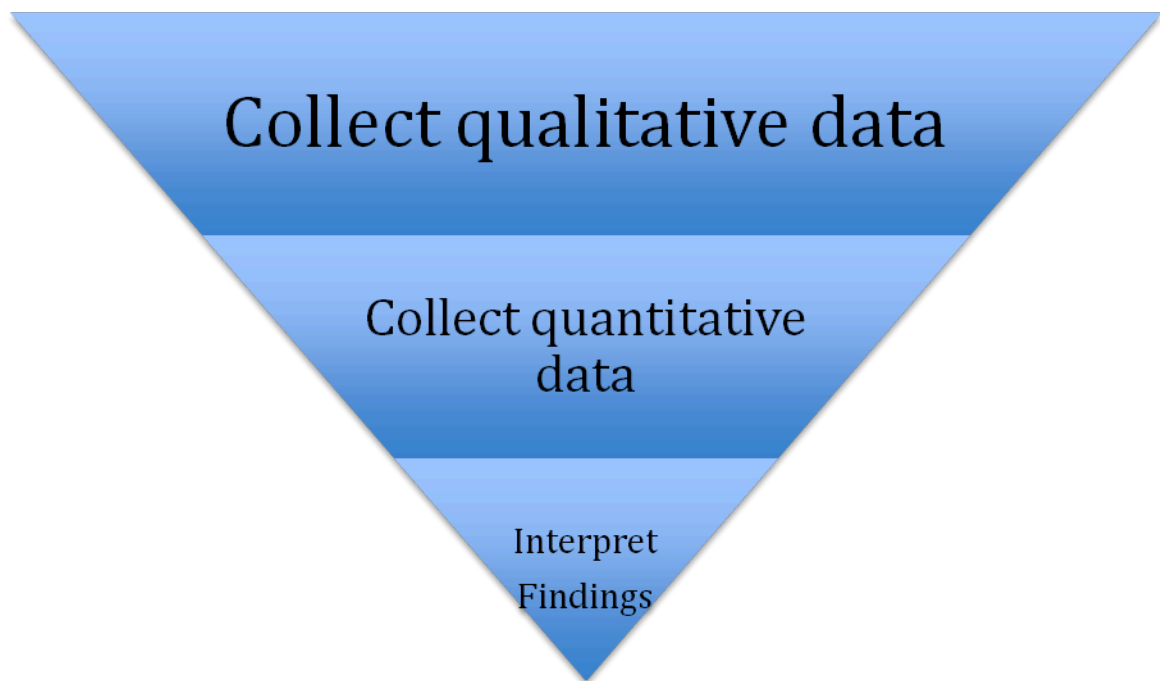
Proposition 3: Despite the prevalence of FRD, there is a lack of awareness of FRD as emerging law, which has the potential to perpetuate FRD.

Proposition 4: FRD impedes career advancement, both directly and indirectly.

Research Design

This study applied an embedded design (Creswell & Plano Clark, 2011) to examine three different public schools in the state of New Jersey (see Illustration 1). The selection of these sites was based on both practicality of access and how examining three different public schools would provide a certain level of control, while still allowing for comparisons within the political and social context of the State of New Jersey.

Illustration 1. Procedural Diagram: Embedded Design



The data was then linked to the propositions through a process of analysis employing Grounded Theory methodology (Strauss & Corbin, 1994), so as to have resultant theory that is informed by the data collected, testable, less biased and more likely to be considered empirically valid (Berg, 2009). Through this method, data from

each of the three schools has been combined and analyzed, keeping in mind the initial study proposition as a guide. After collecting data, data was transcribed and then double-coded by hand. Getting a feel for the themes of the data by transcribing the interviews myself, I was able to better understand the data and re-experience the interviews. The transcription process was helpful in shaping the themes and preliminary organization of the findings (Crabtree & Miller, 1999). Employing qualitative content analysis, I identified themes from which to organize and discuss the data. Bryman (2004) describes qualitative content as:

An approach to documents that emphasizes the role of the investigator in the construction of the meaning of and in the texts. There is an emphasis on allowing categories to emerge out of data and on recognizing the significance for understanding the meaning of the context in which an item being analyzed (and the categories derived from it) appeared," (as cited in Kohlbacher, 2006, section 4.2.)

A statistical data set was constructed in Excel based on the written exit survey data that was collected, and then downloaded into STATA software to employ quantitative analytical methods.

Validity and Reliability

A main validity challenge was addressing how research questions were answered by the findings, and whether the propositions could be accepted or rejected. It was also important to link findings to past literature and to consider how these findings fit into the overall theoretical picture. It was helpful to link qualitative results to personal views and for quantitative validity, descriptive statistic instrument constructs were borrowed from previous surveys. Results from questions addressing research questions were combined to arrive at validity.

The criteria for interpreting the findings were to carefully examine the propositions set forth in this project to determine whether they are accurate or false, explore the richness of the contents of the data to gain further insights into the propositions, and then to analyze rival explanations for the findings and get closest to a explanation of what is going on in these public schools in relation to the phenomenon in question. In this way, the analysis will provide a sketch of a more holistic, true-to-life picture of what is happening in these three schools, as opposed to just subjectively cherry-picking for data to support predicted results.

Research Methodology and Methods

This study applied a mixed methods approach to compare the staff at three different public schools in New Jersey, gathering both qualitative and quantitative data. Mixed methods research (Creswell & Plano Clark, 2011) uses both qualitative and quantitative data to combine and integrate information for a more holistic understanding of a given issue. This is an exploratory project to begin theory development.

There is also a storytelling element to the research design, using a variation of the Maynard-Moody & Musheno (2003) method, in which participants were prompted in advance to think of a story that could be told during the semi-structured interview.

Below is the story prompt that was provided to participants:

In preparation for your interview next week, please write down a small outline of 2 or 3 stories about when you or someone you work with has used discretion at work based on family responsibilities (which can include responsibilities caring

for a child or family member) in your agency. The outline will help you to remember details when telling the story during our meeting.

I would like to hear about any stories that involve how you or someone you know at your agency has used discretion in making a decision or did something differently based on their having family responsibilities.

Please try to include as much detail as possible in the stories, including information about the characters in the story, and any relevant setting or circumstantial details that may be of interest. (Appendix 2).

This story prompt was intended to address the first research question, “What is the nature of discretion people with family responsibilities use in the workplace/at home?”

Unfortunately, any participants who volunteered to participate the day of data collection had not pre-considered the story prompt. Various others, who had had the prompt days in advance of their interview, may or may not have prepared stories in great depth. It was not always clear if the stories provided had been prepared in advance or if they had come to mind during the interview. Only one participant actually brought notes with them.

In order to address research question #2, “What are the organizational and individual dimensions of FRD?” the following questions were asked during the semi-structured interviews:

Do you currently have family responsibilities? What is the nature of these responsibilities?

What does your agency do to help/hinder the work/family-balancing act?

By conducting semi-structured interviews and an exit survey, mixed methods allowed for both inductive and deductive analysis. This study addresses the relationship

between FRD and career advancement by conducting qualitative exploration with a relatively small sample for preliminary theory building purposes. Research question #3, “What are the perceptions of FRD as a phenomenon and emerging law?” is investigated through the exit survey, which was also used to gather descriptive statistics. The reason why question #3 regarding awareness of FRD was asked in survey form, as opposed to interview, is because respondents may feel more comfortable being honest about lack of awareness if they are privately writing it down on paper as opposed to discussing it.

Questions addressing research question #3 were as follows:

1. Were you aware of the concept of “family responsibilities discrimination” before participating in this study? Yes_____ No_____
2. To your knowledge, is family responsibilities discrimination litigation on the rise? Yes_____ No_____
3. Do you think family responsibilities discrimination occurs often? Yes_____ No_____
4. As far as you know, can you sue your supervisor or employer on the basis of family responsibilities discrimination? Yes_____ No_____

In order to address research question #4, “How does FRD affect career advancement?” the following questions were asked during the interviews:

Do you think having family responsibilities hinders career advancement in your agency? Why or why not?

In your opinion, was discrimination a part of any of the stories you relayed to me today?

The goal was to conduct 10 semi-structured interviews at each research site (30 in total). (Please see the interview protocol and Exit Survey in Appendix 2.) The exit survey data were used to create an Excel spreadsheet that was then uploaded into STATA to calculate descriptive statistics. Demographic questions regarding age, sex, education, position title, race/ethnicity, and years in position were posed. Due to the relatively small sample size (there were 29 surveys because one interview participant declined to fill out the survey), it was not worthwhile to run more advanced statistical commands such as regression or correlation analyses. The small sample size is a shortcoming of this study.

After recording the semi-structured interviews, all interview recordings were personally transcribed to ensure not only accuracy of data in the transcript, but the process of transcription allowed for review and re-experiencing the data, which was helpful in terms of broad organization of the qualitative information and preliminary extraction of themes. Re-listening to the interviews allowed for a verification of the data. Once the transcription was completed, the data was double-coded by hand to separate out major themes. Various quotes were also high-lighted, and certain stories and excerpts were selected to be included in the analysis.

Coming from the constructivist view that multiple realities exist, it seems most appropriate to initially investigate three of the research questions in a qualitative way to provide a rich understanding of a phenomenon, and the ability to develop theory since the focus here is on theory building as opposed to theory testing.

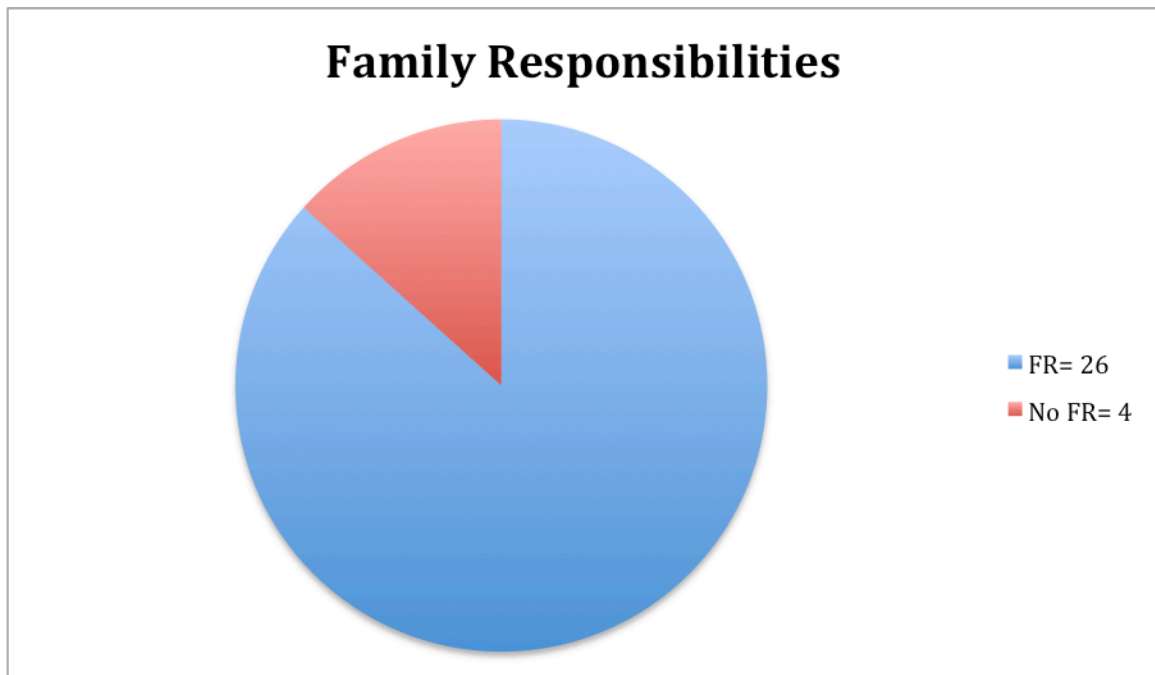
This is an exploratory study in order to develop hypotheses and propositions for

future research, as opposed to conducting a descriptive study where the focus would be more on understanding a certain process or program. The exploratory study is also more appropriate than an explanatory study where the focus would be more on establishing a causal relationship. The nature of examining this particular research question is in the spirit of exploration to provide a stepping-stone for future research. Any preliminary theories that are drawn from the qualitative analysis of this study should be tested in a follow-up study with a larger sample.

Sampling

The three different public schools used for the case study analysis were chosen purposefully based primarily on accessibility. The public schools selected were all grade schools ranging from either Kindergarten through grade 5 or grade 8, two of which were in an urban town in northern New Jersey, and one was in an affluent suburb of central New Jersey. Due to administration concerns, in order to make access to these schools attainable, I agreed to keep the names of the schools, administrators, teachers, and towns confidential. Two of the schools were in the same large, urban district, which was interesting for comparison purposes within the same district. The third site, which was located in an affluent suburb, provided an element of contrast and diversity among sites. In the urban school district, the student body was more diverse and economically disadvantaged than the student body at the suburban school. In one of the districts, I was required to obtain approval from central office (assistant superintendent) in addition to principals' approval.

Participants were supposed to be selected based on their having or not having family responsibilities so that the sample would have at least some representation of people without family responsibilities. However, my point of contact at each school sent out an email from me, explaining/advertising the study and asking for volunteers, and asked interested participants to reply to the email as to whether or not they have family responsibilities. In one school my point of contact was a teacher, in another school it was a secretary, and in the other school it was a principal. Due to time restrictions with staff schedules and the fact that many interested participants personally notified the point of contact at each school instead of emailing me back, I wound up interviewing volunteers who were available on the days I was visiting their school, regardless of family responsibilities status. Various volunteers handed in a printout of the email advertisement in which they had checked either family responsibilities or none, but at that point they had already volunteered to participate. Due to scheduling conflicts and time restrictions, I was unable to exclude anyone from the study based on family responsibilities status in order to ensure having the anticipated number of participants (10 per school). Thus, of the 30 participants, 26 had family responsibilities and 4 had none (See Illustration 2).

Illustration 2. Family Responsibilities

Most participants were scheduled for the interviews in advance of my visits, although a few volunteered the day of the visit upon seeing me in the teacher's room or main office or hearing about the study. In four different instances, participants were interviewed and surveyed over the telephone, due to either being absent (one teacher was out of work that day because her child was home sick from school), or something came up during the course of their day that prohibited them from meeting with me in person. In a few of the interviews, it should be noted that teachers opted to conduct the interview in a less than private setting such as a noisy teacher's room or specifically asked to be interviewed with their grade partner or friend at the same time. In the couple of instances where interviews took place with less privacy than I would have

preferred, participants seemed completely comfortable with the situation and perhaps even preferred that to sitting one-on-one with me, the interviewer. I also found that the three joint interviews I conducted upon participants' request seemed to flow well and participants in each seemed to be quite close with one another, comfortable to share personal views and stories, and so there did not seem to be a negative effect to interviewing these friends simultaneously.

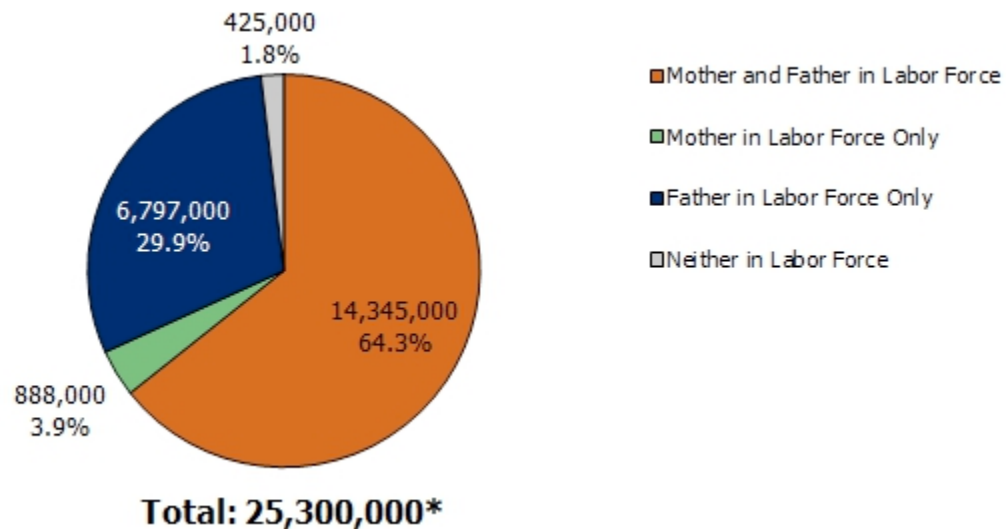
Despite having to slightly alter my initial plan to purposefully select the ratio of participants with and without family responsibilities, my somewhat more random sample worked out well, because I ended up with a sample consisting mostly of people with family responsibilities with a few exceptions to help balance out the sample. Today, most workers in America have family responsibilities. By 2007, in 70% of families in America that had children, all adults in the family worked.²³ See Table 4 for a breakdown of the employed parents in the labor force based on U.S. Census Bureau, *Current Population Statistics* compliments of Catalyst (2011).²⁴

²³ Graff, E.J. (2007, March/April). The Opt-Out Myth: Most mothers have to work to make ends meet but the press writes mostly about the elite few who don't. *Columbia Journalism Review*. Retrieved March 9, 2012 from http://www.cjr.org/essay/the_optout_myth.php

²⁴ Catalyst (2011). Working Parents. Retrieved March 29, 2012 from http://www.catalyst.org/file/431/qt_working_parents.pdf.

Table 4. Employed Parents in the Labor Force

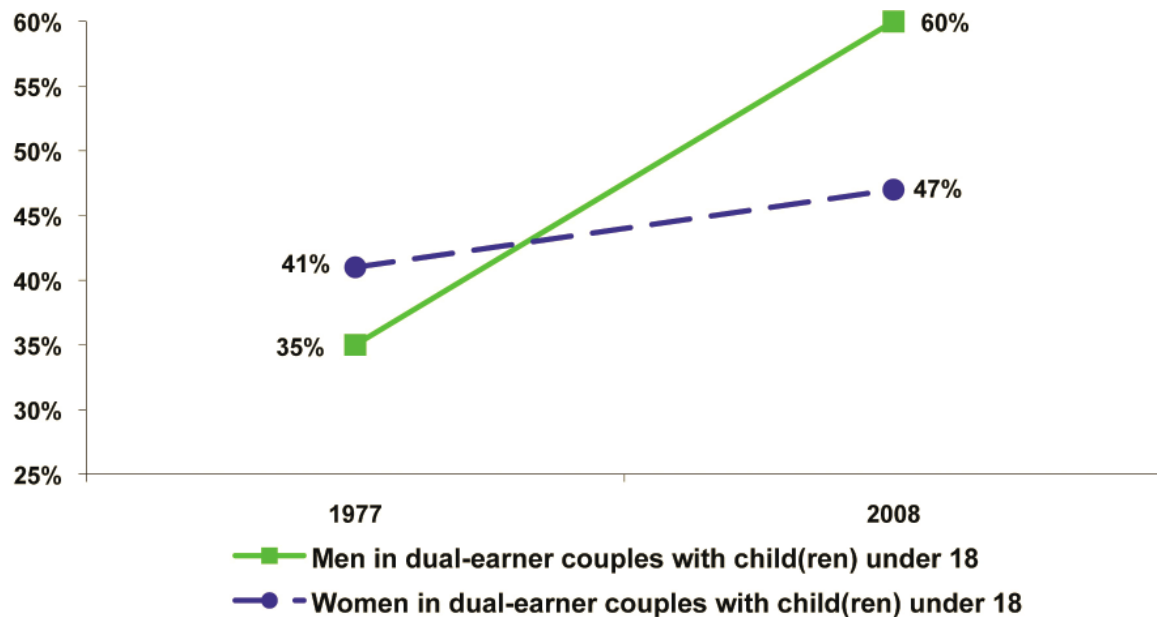
In 2010, there were 25,317,000 married couples with children under 18 in the United States.



From 1977 to 2008, the percentage of both mothers and fathers with children under age 18 who were dual earners working at least 20 hours per week and reported work-life conflict had increased (See Table 5). Additionally, almost one out of four Americans care for an elder family member²⁵.

²⁵Williams, J.C. & Boushey, H. (2010). The Three Faces of Work-Family Conflict: The Poor, The Professionals, and the Missing Middle Center for American Progress and Center for WorkLife Law as cited by Cynthia Thomas Calvert in Family Responsibilities Discrimination Litigation: Update 2010. The Center for Worklife Law. Retrieved March 29, 2012 from <http://www.worklifelaw.org/pubs/FRDupdate.pdf>

Table 5: Percentage of fathers and mothers in dual-earner couples working at least 20 hours per week report work-life conflict (1977–2008)



Statistically significant differences between men and women in dual-earner couples with children under 18: 1977 ns; 2008 ***

(1977 n=339; 2008 n=391)

U.S. Department of Labor, Quality of Employment Survey, 1977

Families and Work Institute, National Study of the Changing Workforce, 2008

Last accessed on March 29, 2012 from http://familiesandwork.org/site/research/reports/Times_Are_Changing.pdf.

While it would be useful to find out information from managers, for the purposes of this study, I was interested in the perspectives of non-managers, which include professional staff- primarily teachers, two contract workers, one paraprofessional, several therapists, and a school nurse. The idea behind this choice was that supervisors, managers, administrators would often serve as the point person for any sort of discrimination complaints or concerns, and so for the purposes of this study, the more valuable focus seemed to be a keen examination of the perceptions of the typical professional staff member at these schools.

Ethical Issues

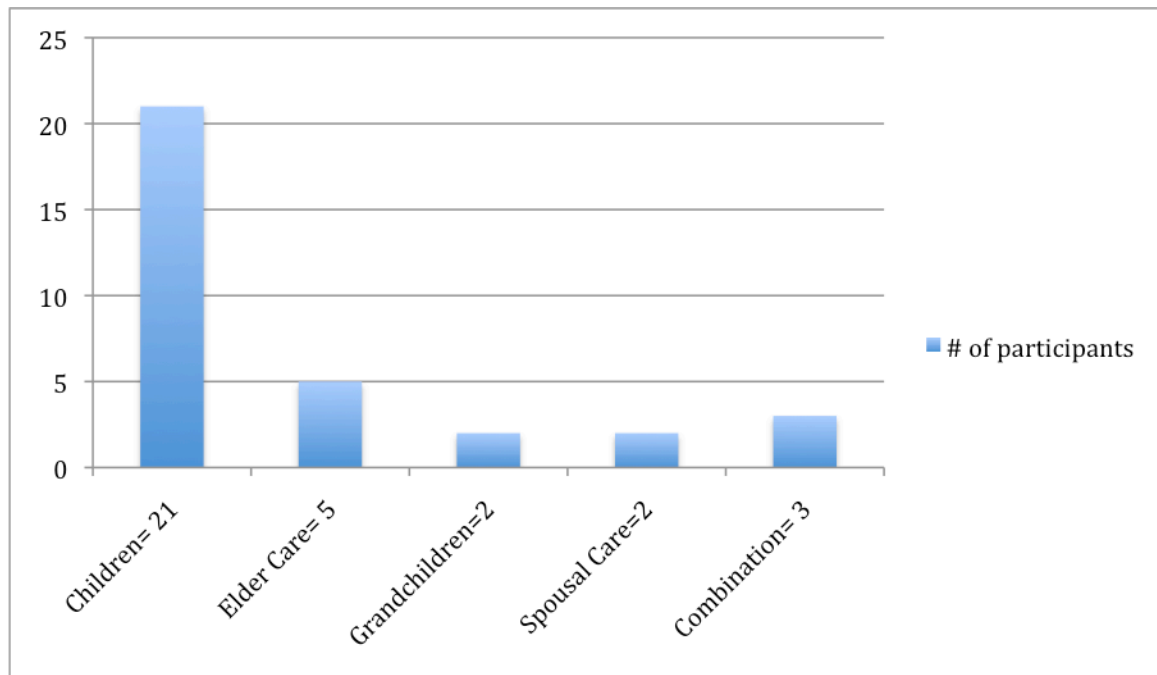
When involving human subjects in any kind of research, it is important to consider the potential ethical issues. In advance of conducting this study, I obtained the approval of the Rutgers University Office of Research and Sponsored Programs under expedited approval (this study was deemed exempt from full review) on February 14, 2012. The participants in this research were presented with consent forms explaining that their identity will be protected, what the purpose of the research is, and that they are not in any way pressured to answer any questions, and that they can abstain from answering any and all questions for any reason. They were also informed that at any moment they could withdraw themselves from participating for any reason. The methods of research employed in this study including semi-structured interview and exit survey pose minimal potential for endangerment to subjects. However, all recordings of interviews as well as transcripts were coded in such a way that responses could not be linked to participants' identities, schools, or municipalities. All transcripts are locked in a personal cabinet; after the final report is completed, the recordings will be erased.

Chapter 4: Results

Qualitative Results

This chapter will provide a summary of the analysis. Since this study is exploratory, the structure of this chapter follows the theory-building structure, which is one recommended strategy when conducting an exploratory study, where each section will explain a new part of the theoretical argument for future exploration (Yin, 2009). The theory-building structure will be used to present the analysis that was conducted in the spirit of grounded theory.

There were a wide variety of family responsibilities described within the sample, ranging from participants who had no family responsibilities, to those with various different kinds of family responsibilities (see Table 6). The 21 participants with children had a variety of ages of children ranging from newborn to out of college, and the number of children participants had ranged from one to five. There were three known single mothers in the sample. Five participants cared for an elder family member, two had hands-on responsibilities caring for their grandchildren on a regular basis, and two had ill spouses who were in need of care for either serious illness or injury. Three participants had a combination of responsibilities such as children and elder care.

Table 6. Types of Family Responsibilities

One participant was the power of attorney for an elderly, disabled family member, handling everything from medical treatment to finances to legal issues and business investments. Others cared for either an ill spouse or elderly family members. The majority of participants described their duties as parents. A few participants were mothers of young children who had similar descriptions to this one:

I have two children (under the age of five), and they are my second full-time job, basically. I pick them up right after school from daycare and I'm home by 3:30 and then the daily routine begins at home with homework and dinner and getting ready and bath and bedtime. It's a daily routine I would say. As far as anyone else in the family, I do have a husband...my oldest kid is involved in extra curricular activities and the baby is a two year old.

Other participants were mothers of older children:

I'm married over 20 years with two children, one in college and one in high school. I've always had the responsibilities of working, and getting up in the morning and ironing, and what do you want for dinner at 7:00 in the morning, you know the drill, you have to think of everything all at once...throwing on the wash before you leave, sometimes I go home at lunch just to make my beds and do the dishes in the sick so that if I come home at 3:00 it's not overwhelming me with everything else (laughs). But it's fine, my children, there's nothing I wouldn't do for them.

A few participants had responsibilities as grandparents:

...I have 30 year-old child who just had a grandchild, and I have him an awful lot when I'm not here, and I have two high school students and they're very, very active. One travels with sports. The others are competition cheerleaders so there's a lot of traveling. When I am at home I'm watching my grandchild. I'm in the car more than I am probably in the house. I'm all over the place, crazy between the two of them.

Themes

This section will discuss the themes that were extracted from the qualitative data during analysis of the semi-structured interviews after transcribing and coding.

The Higher Education Roadblock

The first of the two most prominent themes extracted from the qualitative data was that while family responsibilities should not in any way prevent someone from advancing their career in the school system as far as the school system is concerned, having family responsibilities could definitely hinder or prevent one's pursuit of higher education, specifically a master's degree, that would allow them to advance to higher pay levels, or obtain a higher level position such as that of director or administrator. Unlike other careers where one's daily performance could catapult them to the next level, in the school system, having a master's degree is a prerequisite for moving up to administration and out of the classroom.

While various participants mentioned higher education as a roadblock to career advancement, here is what one person said when asked if she thinks having family responsibilities hinders career advancement in the school system:

It absolutely did. I was going for my masters and then of course I stopped and then all the children came along and my career advancement totally stopped because I stopped my education. So my education stopped, so just having my one degree when the children were young, going back to school at night wasn't happening... And I wish I finished my education but I would never go back because they're all in college and grad school now and there is zero money.

Money's gone! And I'm older now. I really don't care. I'm happy with my life, if I did go back and get my masters it certainly wouldn't be an administrative degree. I don't want that. I like my classroom. I have them under control...

Others who had not yet begun taking masters level classes, avoided it all together due to family responsibilities, citing going back to school as a third major responsibility that would throw off their fragile balance. One participant, in response to the same question about whether or not having family responsibilities hinders career advancement, said:

I do, because I toy with the idea of going back to school but since I have the little ones at home, all this extra static, how could I even bring that work home and concentrate? So I think to further myself in my career by going back to school is too difficult at this time. I don't think it affects my work here, I can manage the both but adding another something would definitely do me in (laughs).

Yet other respondents either mentioned planning to go back to school after their children were grown or had already done so. One participant referred to going back for her masters as an "empty nest hobby".

Administrator Discretion

The other most prominent theme occurring in the data was that of administrator discretion. Many participants pointed out ways in which their administrator could positively or negatively influence an employee's work/family balance. Despite having various policies regarding attendance, sick time or vacation leave, it turned out that what many participants believes make a major difference in how family friendly a school is depends in large part on the administrator's discretion.

Here is what one participant had to say:

I think it's based on your administrator in the building. I think if you have an administrator, and had to leave the building in an emergency, like your child is sick, I'd say it's based on your administrator because there might be somebody who's a little bit more strict and maybe frowns upon something like that, and is almost keeping score of how many times. Then you have other administrators who are completely understanding and know that, okay as long as we get some kind of coverage, do what you do, tend to your family. I would say that it's more based on what type of administrator is in charge of your building that can make being a mother or father easier or harder...Where I am now, my principal is very good like that, as long as no one is taking advantage of it. If it's an emergency, it's an emergency.

Others seemed to agree:

Well I think that's largely dependent on your principal. Some principals are more understanding than others, I've been pretty fortunate that I've always had understanding principals but there are some that I don't know if they can come out and reprimand you, but they have ways of making you feel uncomfortable. So it largely depends on that. And central office, as far as the superintendent, they don't do anything to hurt you or help you. It is what it is, basically.

Many participants felt their current principal was very understanding. There was a certain amount of optimism and good personal experiences reported in relation to administrator discretion:

I guess I have been really lucky. My son, 9 days I was at the hospital with blood transfusions, we almost lost him. Then there have been times I had surgery, 2 weeks that I was out, so I've never...maybe that's the comfort of the relationship you develop with your administrator and who they are...and even where the admin might give you a hard time, that's where the union comes in...that's the ethical part of it.

Others warned that despite having positive personal experiences in this regard, not all administrators would be as accommodating. One said, "Depends on the school, or district. Our principal is very focused on family, he'll say to us every Friday, go home, enjoy your families, so I really think it's a school-to-school thing, not so much a district thing." One veteran teacher told the following story about how coworker support of family responsibilities is also important:

No not in this school, however you can get a principal who's not as compassionate and doesn't for assorted reasons, let you put your family first. I remember when I had a family crisis, needless to say I was almost immobile, but I came to work that Monday, and we had the best principal, he knew ahead of time, I had let him know ahead of time, and he kept looking at me saying are you alright? What can I say? I want to hang myself but it's not going to happen, I'm okay. Are you all right? I'm okay. Now I'm looking at him, like what's the matter. He said to me, I called you in sick, I didn't think you'd be able to do it so I called you in sick. He goes, all right I'll fix it. That's an example of someone who knew family comes first and allowed that, but some principals don't do that and it's

like oh well. So any time I had a crisis, it was teamwork and any time I had to leave for personal crisis, I just left. I had a coworker who's not in this building anymore, but he covered for me immediately, no questions asked. However, sometimes you do get a principal who doesn't even allow a person to assist you in that. So it depends on personalities and where you work and who you're working with.

There were a few participants with personal experiences that they characterized as nepotism on the part of the administrator:

It seems like certain people get more leeway to take care of their personal responsibilities outside of work. Like if I had a funeral or a doctor's appointment and I'm the only one who can legally give the consent to do anything and they could only take her at 2:00, and I would say can I just have the hour to go with her and come back, I would be told 'No', because technically we're not allowed to do that. But there are other people who could leave for funerals or doctor's appointments and I think that's discrimination based on who I don't know or how many years I have in. A little bit of both probably (political/personal). That's a little bit of a problem, so I would be told you need to take the whole day off for that hour or 45 minutes, where others would be covered for it. And I'm not saying every time, but once in a while, it would be nice. So it's not discrimination that people don't like me because I'm taking off but it's more like I'm not worth of the favor or the time.

This nepotism also seemed to be present in an emergency situation:

The last principal we had, there was an incident at my child's school and we got a call that we had to pick up my child from school. It was 1:30 or 2:00 and I got the call and went down and the principal didn't let me go. So I told him, "I'm leaving. I'm going to get my son, so if you have to write me up, knock yourself out, I'm not leaving him, school's closed." So for him to be standing there for 2.5 hours on the corner, I wasn't going to have that. Where this principal would have been, "Get the title teacher in your room and go". Do what you have to do and go... They write you up, a complaint in your file, so if you're going for any kind of promotion you have a mark on your record. It's not like I had a hair appointment...And that principal was one that had favorites, so if somebody else came in and said they had to get their hair done at 2:00, they would have been able to go.

But the difficulty with administrator discretion was not just as simple as allowing or not allowing someone to leave work for an emergency. One participant noted a story about a friend who had been at the same school, but had run into serious opposition when she suddenly took some regular time off for family responsibilities:

I know one teacher in particular that had her grandmother who was ill and she had to go early for lunch several times in a week for a few weeks and that annoyed them, so what the principal did then, she was on the radar then, so when they had something going on in the school she couldn't attend because she had to take care of the grandmother for a few weeks. They pulled her from the classroom, put her in a different school as the title teacher. The title teacher

does a lot but they go from classroom to classroom. I think it's good for a new teacher or when you're ready to retire. But for now when you're set on your classroom, when you're getting pulled from someplace, but she was not happy with it at all, and she tried for years and it was several years before the administration had turned over a little bit and she was able to get back into a classroom...Then you see the people who are friends with those people, and they do nothing, I've seen teachers reading newspapers while work is on the board and nothing is said. Ha, you know what I mean?

Throughout the interviews, it became clear that getting the freedom to leave work for whatever reason or any sort of privilege that is not granted in one's contract, is usually a gray area that is controlled more by the administrator than the actual state or district attendance policy, which depending on the administrator, can lead to an unfair doling out of privileges based on personal preferences, relationships, or sensibilities. Playing favorites sets up a political minefield that not only could hurt people's feelings, but could make them resentful of their administrators and their positions.

Progress and Promise

Various participants noted being happy about their typical work hours, since they are conducive to spending more time with their families since they coincide with school schedules for their own children for the most part, "We can go pick up our kids from school at 3:30. We don't have these crazy 9 to 5 jobs." Others admitted to changing careers or choosing to work in the school system for the hours:

I decided to work in the school system because it would help me advance my family and have more children because I would be home. I think you can't get much better a career for family life. Most of my friends get home at 7 or 8:00 at night. What, do you get to see your child for an hour when you get home at night? That's not something I ever wanted.

I got into this field because I had the family... what I had before was a graphic design degree, and then I had the kids and that kind of job didn't appeal to me, having a family. So through some outside suggestions, I got into teaching....the hours are good for having children.

A few also mentioned that, to a certain degree, they have noticed family accommodations improving in small ways, with the provision of a sick day bank, the federal Family and Medical Leave Act, and even some innovative changes:

They set up a room so that moms could pump breast milk and I was so happy for that...so I think no they really make extraordinary efforts to make it easier for these girls...I think it's the administration and I also think it's the society has changed, a little bit, not enough but a little bit.

It was surprising that not one participant mentioned the fact that New Jersey offers paid family leave, and is one of only two states in the United States to do so.

However, it was clear that many participants are dissatisfied with childcare accommodations for teachers. Several mentioned wishing there was more done for people who have their own children in the school system, either for before or after care

or providing a district daycare at a reduced rate, the way certain private companies now offer such benefits. Here is what one veteran teacher had to say:

Personally, I think more should be offered with young families, especially having daycare within the system. I think it would have been an asset for a lot of these young families. I didn't have to go to work when my kids were young, and I don't know how these young girls and men too, I don't know how they do it. It's always bringing a child to a facility or someone's home.

Pressure to Volunteer for Extra Activities

Many participants seemed to think that family responsibilities would often interfere with employees volunteering for extra activities or additional jobs, such as working lunch duty, after care, supervising a sport or after-school activity or attending special meetings. This is a huge problem since across the board in all three schools, the standard to live up to seems to be, "the more stuff that you have on your portfolio the better it looks." This posed a particular problem for teachers with family responsibilities:

I do notice people won't ask you to participate because they think she has a baby she can't. But it's also the reverse, a lot of times when someone asks you to participate and you can't do it, they give you an attitude and can't understand that you can't do it. There are people that don't understand that and think you should drop everything to go to the board meeting. I truly believe that family comes first.

Certain teachers thought there was also an element of peer pressure involved with volunteering for extra activities:

I think people who have young children here, I feel for them sometimes because if there's a function and they can't do it because of their family commitments, I feel like other people give them a hard time and they don't really see the full picture, they don't really know what goes in, it's not as simple as these days having your mom or dad babysit, that's not everyone's situation anymore so I think people don't really know someone's situation. When they had kids....and it's just different from how it was 20 years ago. So I feel for parents with younger kids, they feel the effects of the older teachers, who make them feel...

Rigidity of Vacation/Sick Time

Despite most of the participants having a positive outlook about typical school hours, there was a major theme seeping through many of the interviews having to do with rigidity of sick/vacation time, or the ability to take days off from scheduled work days. Overall, it seems that the school systems were accommodating and fully supportive when the teachers themselves were dealing with their own serious illnesses. The problems seemed to occur when the reason for taking days off from work involved illness of a family member or care for someone other than themselves. Part of the issue that arises is that there are a limited number of days teachers can take off during the year, since they have the summer off, along with a host of other holidays. This means that most people will ideally need to plan important life events and vacations in the summer, but that does not accommodate events that might occur within the school year when teachers may be limited to taking as few as two personal days. At all three

schools, sick days were only to be used when the staff member themselves were sick, according to their contracts. They are not allowed to call out sick if they were home with their sick children or helping a family member get chemotherapy. One woman who was thinking about starting a family soon said, “It’s like have a child in the summer and if you don’t, oh well.”

A few participants refused to take days off, even when they needed to for serious medical reasons. One participant describes how she went against doctor’s orders to administer an important exam:

The responsibility when I was pregnant of giving my class the NJASK, I was due the week after I was giving the test. Against the doctors discretion and I kind of felt pressured to be here, I pushed myself and made it to the last day of the test and wound up having my baby a few days after the test, with an emergency C section. I don’t think that was a cause, but looking back it was stressful, and I should have used discretion and said I’m not going to do it... I don’t think teachers should be responsible....we don’t go home with them...half of my students have very scary home life situations and I have 3 with DYFYS involved situations. I don’t feel we should be held fully responsible for their test scores, I don’t think it’s fair...They did give me a back-up, the big joke was I was going to go into labor, there were passwords....but I felt it was my responsibility.

Some participants expressed not wanting to take off days from work because they felt responsible for their class:

When you're a teacher, it's hard to compare it to other jobs, because you really don't want to take sick days because you're responsible and these kids become your kids and you don't want to leave them with someone who may or may not....you get to know them and a sub may not understand that this one cries easily if you do A, B, or C, or this one's very sensitive so you can't joke around with them. So you try not to. So you don't take your days because you feel extremely responsible for them.

And as far as academics, the way things are now, there is so much pressure on us, most of it is out of our control, we can't actually control what they absorb, I mean we try different ways, but we are being held accountable and there's no consideration taken into as far as kids intelligence or where they started from. I'm supposed to get them to what they call proficient it doesn't matter if when they came into my class they couldn't write the letter A. We're being judged on whether they are meeting this proficient level, so there's another reason, you feel pressure, another pressure to come in. And teachers as a whole drag themselves in when they're dying, plus unlike other jobs, we can't just call in sick. We have to have a whole day's worth of work so I better have something for a sub to do in math and reading and science and social studies, so I can't abandon a sub or they're going to be insane. So you can't do that. For us it's a big deal to take the day off. It's harder for us to take a day off than it is to stay home. You can die at your desk just as soon as you could die in your bed there at home, so you might as well drag yourself in.

Certain participants mentioned feeling guilty about taking days off to care for a sick family member, and remembered receiving a letter after they reached a certain amount of days off, which increased their guilt:

Even though I took maybe 7 days last year, and it was strictly only for that, not even my own health, you still get that letter saying we just want to let you know that you have taken 7 days, like I didn't know that. I think they send it when you hit like 6 days. And I want to say to them you don't think I know how many days I took? Hello! I think that's so asinine that they send that to you. Obviously I did and for whatever reason, but they have to let you know that and then you get that feeling in your stomach like oh my god am I going to get in trouble or are they going to move me or what's going to happen? When you're a teacher it's so political, and who's going to get changed. They're MY days. Every year you get 10 sick days and 2 personal so it's not like you went over 12 and you're sending the letter, and they carry over. So even though I didn't go over my days last year that they gave me but they still send you that letter. And that's kind of disheartening, because it's not like I was just home sitting on my couch calling out sick. Obviously if someone's taking days and they've never done that before, obviously there's an issue, but they send that anyway. I think it's tacky...I know it's a form letter, so it's not like they just do it for certain people its when you get to that amount, and it's stamped with your principal's signature, and I tossed it right in the garbage. So it is annoying some of those things...After I got that letter I took another day after that. What are they going to say to me, it's not like

I'm taking days I wasn't allotted. And nobody said anything. That was the weirdest thing. Nobody says anything; you just get that letter. And so I say to my principal, what is this? He's like oh it's just procedure. I'm like okay, that's when I tossed it. But I felt guilty then, and I'm like how am I feeling guilty? My husband's father is dying and I'm going to feel guilty that I'm not in the classroom for a couple days. But the guilt that they give you, and my husband said I don't know why you're feeling guilty, it's your job and you have days, it's not like you left your room in disarray. For the most part I still felt that guilt even though you were doing a good thing. Maybe some people call out and don't feel bad, but some people have a conscience and that's the bad thing.

Here was another participant affected by the letter:

Last year I think I had like 8 days out, and once you have like 5 days you get a letter in your mailbox saying that our attendance impedes the students learning, so if that's the case why not give me that one hour where I can leave, give them something, if I don't abuse it but instead you're going to have me be out. Now I have a letter in my personal file that sticks with me saying that I was absent too many days, now if my kids test scores... they say after 5 it affects their learning because we're not here. So for example, last year I got the letter for five days absent, and my kids are in a grade where the test is hard, so they did drop a little, they weren't really taking it seriously. But then I felt more guilt because now I'm thinking I did take off 5 days, because I'm not allotted any time to leave

as others are, my kids did drop so now my anxiety is going, because now I'm like now there's a paper trail I was absent, their scores aren't what they should be... As of next year in our evaluations they are saying they're going to put our students' scores in our evaluations. Now I feel like there's a negative reflection on me. Some days I was sick, but other days I just needed to go sign that paper at the lawyer's office for an hour and come back. But that's just the way it is.

Even though letters of notification are sent to everyone after a certain amount of days are taken, if people have to take more days off due to family responsibilities, even days they are allowed to take according to their contract, but they are given a form that appears to be a written warning that reminds them how their students' progress suffers when they are absent, this increases pressure to avoid taking days off that they are contractually entitled to take. It makes sense then that anyone with family responsibilities might be more likely to have to take time off of work and feel guilt for doing so.

The "Choice" and the Balancing Act: Family First

Overall participants believed career advancement in the school system is a choice one makes, that you can choose to put family first or your career first. When asked if they thought having family responsibilities hinders career advancement, here are examples of what participants said:

No I don't, not on their end anyway. Because I have a son, I've never looked to be an administrator but that's my choice. If I wanted to I'm sure I could.

I don't really have much my things are more like I make the choice.....superintendent came to our meeting last week and it's like the biggest thing in the world, she goes once a month to every school, and I couldn't be there it was more important for me to be home to tend to what I should tend to, I went home and left, and I figured I'd just take whatever was coming to me the next day. I was sick over it. So there are little things but over the last two years it adds up to a lot. At the beginning I used to be really nervous to say I can't go, but now I'm prioritizing. But if I worked in a corporate America I think I'd be more stressed out about it.

It's a 12 month job, if you really want to be a good administrator it's a full time commitment. You kind of have to put family second if you want to be a good administrator in this town.

I think everyday you make decisions; I can't do things on Thursday because I take care of my mom, I think that impacts a lot of what we can and can't do...

I think the administration is amazing at allowing us to have time if we have family needs, but there really is no help, it's totally your decision what path you're going to go down. I don't think family hinders unless I allow it to and I

allow it to, so I'm making a personal choice....I haven't...tons of friends even my daughter in law is a math teacher on maternity leave, and I think that they allow you to do what you choose to do and I think that right now I'm making the choice to be in my kids' life vs. my school life. But there isn't any kind of thing set up in the school system it's all your personal choice. I try to balance both.....I won't do every single one of the activities the school is offering, so I pick and choose.

I just think that a lot of it is personal, to the individual. When I finished school, my masters is halfway done, and then I got pregnant with my child, and it was just too crazy and I stopped. I told them when you go back to college I'm going back too and finishing. So I feel like I know it's personal so I feel like I brought them in the world and I feel like it's my job to make sure they get taken care of the best and school is second. But I love what I do, so I get to do both. ...Now that they're in high school I can do so much more and I'm starting to get more and more involved in the school as my responsibilities with them get less and less.

I think it can affect it because you're limited to what you can do after school, running programs or coaching, or being the moderator of a club. I don't know that would directly affect advancement, but the more you could get involved in

the school the better it would be for you if they were looking to advance you but I don't necessarily think that....no...they're very separate.

I think it depends on the individual so I chose after school to do a lot of tutoring but sometimes I'll back off of other responsibilities because I have to weigh what I have to do with my children. It's me choosing personally that my children will only be young for so long. Once I had my children, it's primarily they come first. I just think that my family comes first right now, and I'll even say to them, like for yearbook committee, or lots of times I'll say my time will come because my kids will go to college and I'll be back to signing up for all there is to sign up for. But there are times that I say to myself, I could be a better teacher if I didn't have so much responsibility. So it is a balancing act and I always have to remind myself they'll come a day when I wish they were home and I wish I could be with them so it is hard.

The context of this choice is carefully balancing work and family, which makes the choice a difficult one to make, but usually family is ranked first, to the possible detriment of career advancement:

There are certain things that you don't miss and you realize family before work, you learn that.

Yeah...because you have to divide your time and I always say I try to split my time as evenly as I can to be a mother and to be a teacher and sometimes that

means you have to be a better mother than you are a teacher and sometimes I let my family suffer and I have to be a better teacher than a mom...But I definitely think teachers in general have to make sacrifices in their classroom and sacrifices in their family. You have to balance.

Women Carry FR Burden

In accord with previous research, this data shows that women carry the burden of family responsibilities. One person described being proud of her role as the woman of the family who could better handle responsibilities than her husband and then said, "But I think women are much more efficient at juggling, and I'm sure people have seen that in their families..." Perhaps it's not that women are better at juggling, but that their partner leaves them no other choice:

I have several children and I'm not married. There is no father in the house but there is a big, big father presence. It is a wonderful situation, so it has worked out beautifully that way, but all of the responsibilities are on my shoulders. He would give me any penny he has but responsibility wise he doesn't want any of it. I think that females have all of the responsibility, plus the males, still want to do what they want to do, and yeah they can have your babies, but if it's not an activity that they want to do, it's not happening... if it was a sport that he loved he was there, but I said I wanted them to try acting and they did and loved it, and he wanted no part of that. Bringing them to plays, I forced them to go to that. But basketball game, here I am, here's Dad!

There was also a sense of envy reported, that certain women longed to have less of the family responsibilities on their shoulders:

And men, let's face it, what are they doing? Unless they're a stay-at-home dad, they're not getting the full gist of that at all, they're not. And my husband is wonderful, over 20 years, but I've said to him so many times, I'd like to live in your land, get up in the morning and brush my teeth after I shower and walk out the door. I want that life, ya know. I've never had that.

Keeping Family Information from Work: Employee Discretion

Many participants reported that either themselves or coworkers kept family information from their supervisors and coworkers for different reasons, but often it involved not divulging a pregnancy ("The women that I know would wait to tell they were pregnant,") or a family member illness, for fear of negative repercussions. One person said she waited until after tenure to announce her pregnancy:

I did not tell them that I was pregnant until I received tenure, and the minute I received tenure I waited a couple weeks and then I told them. I don't know anyone directly but you always hear rumors that she didn't get tenure because she went out on maternity leave.

Another person said she was afraid of losing her current placement:

I think when I was first pregnant I was very nervous to tell because I was afraid they were gona be like how are you going to be able to manage this class and all that it entailed....and I thought are they gona let me come back after maternity

leave to that position? I think instead of telling them, I would have waited until a week or two later to tell them.

Others are rumored to have kept certain information to themselves to ensure the best possible amount of time off for maternity leave:

I know that some people with maternity leaves don't really say when they're coming back...okay so they get their 6 weeks maternity leave, but then can use their sick time they have banked up, so they really don't give a date to the school system or tell anyone when they're coming back to work, because I think they're allowed to take up to a year and the school system still has to hold a position.

They can use up as many sick days as they want and still get paid.

There was also a mention of reticence to notify their school of a child's illness:

I know of somebody in the old school I was at that had a health care issue with her child at home but didn't really want, and I guess her position wasn't tenured and didn't want them to know what she would be dealing with, and she didn't want them to assume she would want time off.

Last year my child was hospitalized twice, so my husband and I were taking stretches of days. So I went in and asked the office assistant who said they don't advise it (telling why I was taking sick days), that they were going to dock all these days. But I probably took about 20 days. You don't leave a baby in the hospital alone.

Along the same lines, family conflict was also kept concealed from school:

I recently separated from my daughter's father, and she lives with him. I had been battling to see her and we had plans around the holidays. She was supposed to go to a family party with me and she was giving me a hard time and being defiant, being a typical 14 year old teenager, and she kept going on and on laughing in my face, being extremely defiant, so I finally cracked her...across the mouth. And she started screaming, jumped out of my car, her father came and got her, drove her to the police station and they went to press charges on me. They didn't press charges on me, but DYFS was involved. So now me, being a non-tenured teacher, I didn't tell administration because I didn't know where it was going to go. I work with kids; this could ruin my career. And when I did go on the interview with DYFS it was a clear-cut case where it was totally blown out of proportion, my daughter was exaggerating. There wasn't a mark on her. He was just mad at me cause of the whole situation. It was just the whole ordeal, but for a good month I had to wait to go on this interview. I was freaking out, like you have no idea and then I reamed both of them when the stuff pulled out. The police department told me not even to have any kind of contact with my daughter until after I interviewed, so I went through all of the holidays without even seeing my daughter, so I was a mess. And now we get along great, and I think it's because I did crack her in the face but she was just being so defiant.

Another participant recalled a time she did not want to reveal the reason she needed to leave school early:

One day I had to leave early because I had a meeting with my family member's lawyer, so I went and said, "Can I leave during my prep, which is last period, I have no kids?" I went and filled the form out and he was pressing me about why I needed to leave. And finally I said, "Well I need to go see a lawyer," and he was like, "Why do you need to see a lawyer?" I didn't feel that I needed to tell him why. I felt a little like this isn't your business. If I'm going to see a lawyer, obviously it's something of substance. And it just so happened I had recently had an incident at school, so I said I'm going to see a lawyer about the incident that happened. I felt I needed to put a twist on it and kinda pressure him into it a little, and then he was like, "Are you serious?" and I said, "No it's personal," and he kinda got the hint.

Minor themes that arose with this use of discretion on the part of the employee included feelings of guilt and the idea that they needed to break the rules sometimes, in order to tend to family responsibilities:

So there are times where I have to go not against policy here but I have to break the rules a little bit...For example if I can't attend a faculty meeting because one time her homemaker didn't come, and she's not mobile so I had to go, or if I need to leave my cell phone on because the doctor is calling even though we're not supposed to, I do, because I'm gona take that call.

The Private Sector

Although participants were not directly asked any questions regarding their perceptions of the differences between the public and private sector, many of them

offered up their insights. One woman told a story of being slighted from a promotion in the private sector due to her upcoming wedding:

When I was working in my job before this I worked in Manhattan and I was up for a promotion when I was engaged but when I got married I was passed over for the promotion and I was point blank told, now that you're married, you're just gona have children an you're not going to be able to devote the time, in NY in the financial district they actually told me that, and I went in because I was surprised and I worked in telecommunications, and was fairly high up at that point, and they said we're gona need to have someone in here, meanwhile the guy that, he was a man that they gave it to, he was getting married a month before me, and then they wanted me to train him and I said no. Every day they would send him in. So I wound up leaving that job for another job because it wasn't even like they sugarcoated and they were like what are you going to do, and I said well I'm going to go to human resources, and they said well we'll just say we didn't say it.

Another participant said, "I had a friend at PSEG, and when her kids were sick, they'd pressure her and it was too much, it pushed her out of working." Various participants made comments that suggested they viewed the private sector as less family friendly than the public sector. Yet there were still other participants who viewed the private sector in a positive light, saying that they wished their employer provided the types of benefits you would see at a private firm, such as daycare accommodations. However, the majority of participants were relieved to be working in a school system, as

opposed to the private sector, which begs an interesting question: do teachers think that working in a school system is as good as it gets for people with family responsibilities, and if so, how does that affect the way in which they judge their current working conditions? In other words, if school employees are dissatisfied with aspects of their job that interfere with balancing work and family, perhaps they are reluctant to focus on it, report it, or make a fuss about it to the union because they might feel like they should take what they can get, that if they were to go elsewhere it might just be worse.

Work Affects Family

Not only did participants report incidents of family affecting work, but there were also a few stories related to ways work affected their family life. One participant spoke of going back to work after her children as the spark for her divorce:

But it was still all on my shoulders no matter what and that was the beginning of the end because once the family life fell apart it was over. Because I can bring home the bacon but I'm not frying it up in the pan. I'm not that good....I wish I was but I'm not (laughs).

Another participant recalls feeling so upset about her childcare situation for her own children that she almost quit her job:

I remember when my kids were younger I 'd have incidents where I'd have someone set up to watch them, but once there was an incident and I almost stopped teaching because of it. I said is it really worth teaching....you start to have this motherly guilt that you can't be home with them but you have to

provide the best possible place for them when you're not there and when I first found out I was pregnant with my daughter I screened all the teachers and got the person they'd said but the woman was now older and didn't have as much patience. So I had an incident where the caregiver got upset with my daughter because she said she didn't have to go to the bathroom before the walk and then on the walk she said she had to go to the bathroom. The caregiver said, "Too bad for you, I'm not turning around," and actually told me when I picked her up. It was snowing outside and my daughter had urinated through her snowsuit, and she kept on walking with the two other kids and made her stay that way the whole hour that they were out to teach her a lesson. But I removed her from that but then I was like okay now I need to take some time off and find another caregiver, and that was an incident where I almost stopped teaching because the guilt that she had to go through that and she had to, if I was home I would never ever do that, it would never have happened. I almost stopped the thing I love most, which is teaching, because I was so guilt-ridden that I sent her to this woman and what other incidents took place that I might not have even known about. And that's when my best friend stepped up and said I'm taking your kids and it all worked out and I went on to teach. So while she was caring for my kids I was caring for her kids at school because they were in my classroom. And it's not the administrator's problem. I came in and said I'm taking a week off, I have to find a caregiver for my child because I can't do this unless I know she is okay....I know he was looking at me trying to be compassionate but I

have a school to run and you have a class to teach, so he was wonderful but it was like it's your problem because you need to be in the classroom and gotta be back, but I almost stopped.

One participant had an emergency with her child that nearly threatened the child's life because the principal had instructed the secretary not to notify her if her children called:

Days were taken off when the kids were sick, mom had to stay home with the kids. The board of ed. does not have that in your contract for when kids are sick. So they would always call the office, and they would say so and so is sick, so back in those days I'd take a half-day and pick up my child. Immediately they stopped that, if you leave, it's a full day off. So if my child got sick at 2:00 and I had to leave, you'd be marked absent for a full day.

It happened all the time. My children were sent to the hospital, and I was constantly running out...When my daughter was in 7th grade, she stayed home by herself sick, and I said if you have any problems call up grandma who's not healthy, but I got to school that morning and she called twice. The first time she called the secretary didn't even call me or put her through and my classroom was right next to the office. The second time the secretary came through....she couldn't breathe. I ran out of school, ran. That stupid secretary. She was in the hospital for a week. Her throat was closing, if I had waited another second she would have been dead. And this stupid secretary couldn't put her through.

A few participants expressed disappointment over having to miss their own children's special moments:

We are very limited because we only get a very limited amount of days, and the sick days are not supposed to be used if your child is sick, only if you are sick. So having only a couple of personal days throughout the year, I have to save mine for my daughters graduation this year, so if she has a school play or something going on in her class or a field trip, I will not be able to attend based on the fact that I have to be at my job. It stinks, where maybe another parent can go into work late if they're in the business world, where I can't because I work in the same system so I can't see her school plays or go on her field trips because I have to save my personal days for graduation or a bigger event. As far as a school function where your child is in it, you miss it. You don't get to see these things because something like that you would be taking advantage of your administrator and he or she could get in trouble also. If you let one person do it you have to let everybody do it, and I'm sure there are so many teachers who have kids in the school system.

Discrimination

When directly asked about "discrimination", the majority of participants did not seem to think they or someone they work with had ever been discriminated against in the school system based on family responsibilities, but they did acknowledge that they felt certain rules or simply the structure of the system could be considered discriminatory. It became apparent that when asked directly about discrimination they

defined discrimination as outward actions or words that could be considered discrimination. They did not think that the way the system was set up or rules that favored certain people was necessarily the same level of discrimination.

There were, however, a couple of participants who did feel like they've witnessed or faced discrimination:

Sometimes I think...initially we had a man that was definitely discriminating, but I think for the most part people are very careful and mindful of it and appreciative of it but try not to overuse the privilege.

When I was at another school, I thought I was very much discriminated against, and I abruptly left there, not due to this, but the principal was a male and he did not understand the responsibilities that I have and when I ran every time something happened to my children, even when they were in high school, they still kept calling mom, but he really didn't like it and started getting angry with me because I would run for my children. He was not compassionate, not considerate. My first principal there, she was wonderful. I couldn't even tell him anymore that the nurse just called. I wouldn't even tell him anymore I would just say I left. Even the secretary had an issue with me running for my children. So discriminated against, absolutely, and started making things harder for me, and they said if your children call, you can't leave, and I said, if the nurse calls me I'm leaving. So that's when I got a cell phone because he told the secretary don't tell

her anymore, it's done. Don't tell her when the children call. Good, got my cell phone...

The children knew the cell number by heart and so every time my cell rang I knew it was the nurse calling and I would send my students to other teachers and say I have to go and I would say then dock me, take the day off.

It should be noted that one out of the three schools seemed to have a somewhat more family-friendly environment because staff was provided with double the amount of personal days and more flexibility with bringing their own children with them to after school activities. There were also several mentions of their unions during the interviews. A few participants felt the union could be a good resource in dealing with potential discrimination issues, while participants from two of the schools had concerns over contract negotiations and were trying to balance following union instructions with not jeopardizing their own career opportunities. Otherwise, there was not much of a distinct school-to-school difference among the three sites overall.

Linking Themes to Propositions

After reviewing and analyzing the qualitative data according to extracted themes that were identified, here is how the data is linked to the propositions:

Proposition 1: The nature of discretion used by people with family responsibilities in the workplace and at home is complex.

This data provides preliminary evidence to support Proposition 1. Participants, for the most part, describe a balancing act to manage family responsibilities with work and

claim to put family first. There is evidence that people with family responsibilities sometimes feel the need to bend the rules, occasionally withhold family information from work, and sometimes allow work to encroach on family responsibilities. These are all direct indications of exercising discretion. The responsibility of managing family and work creates added stress, guilt and regret. Additionally, women seem to heavily carry the burden of family responsibilities.

Proposition 2: Current organizational factors fail to mitigate the effects of individual family responsibilities on the work/family-balancing act.

The data collected provides some insight into the nature of FRD, which includes features such as discretion of administrators, complications such as age and number of children and external support, as well as an awareness of public/private differences. Despite acknowledgement of some progress, the desire for more accommodations like childcare and more flexibility in terms of taking days off to tend to family responsibilities is very much present. In light of these themes, there is preliminary evidence to support Proposition 2. (Please note Proposition 3 is discussed in the following quantitative section, based on the exit survey data.)

Proposition 4: FRD impedes career advancement, both directly and indirectly.

Career advancement is negatively affected by instances of perceived discrimination, but also by evidence suggested by participants' perceptions such as the higher education roadblock, pressure to volunteer, and the fallacy of the choice. These themes provide preliminary evidence in support of Proposition 4. But how can we

measure the effects of discrimination on career advancement only by studying employee perceptions?

Previous literature asserts there is worth in measuring perceptions of discrimination. Naff (1995) defines subjective discrimination as, "the perception that a work-irrelevant criterion [such as sex] affects how one is treated or evaluated on the job," (Naff, 1995, p. 538). She points out that discrimination can be considered in two different categories: women can believe that in general women fall victim to discrimination or/and that they have personally been discriminated against based on their status as women (sex). She also cites previous research that shows if you perceive one category you may not perceive the other, and that people are more likely to perceive discrimination against a group than against themselves because it is more difficult to cognitively come to terms with personal experiences with discrimination. She cites previous research that suggests women who notice disparate treatment may be less likely to apply for a promotion. Naff's study is based on a MSPB survey of federal employees in 1991 and 1992. She concludes that research on barriers to the advancement of women needs to include women's own perceptions of their career advancement opportunities, and finds that perceptions of disparate treatment will cause women to seek promotions outside the agency or leave their agency, and women were more likely to perceive disparate treatment if they were denied a promotion or opportunity for development. She says it is in the agency's best interest to address women's perceptions of disparate treatment, not just discrimination that is objective. Thus, perceptions become an important predictor of career advancement.

Studying perceptions is also important because it allows us to better understand the pragmatic nature of FRD, in that it is not fixed, but based on an ever changing reality that is full of shifts, conflicting stories, self-perceptions and personal/theoretical interactions. It is not enough to depend on documented counts of legal claims based on FRD or anecdotal stories about times people felt objectively discriminated against or witnessed discrimination against a co-worker. It is also important to survey the climate of the invidious, sometimes invisible nature of discrimination that often underlies any of the “-isms”, the subtle yet potent force created by an accumulation of various factors that individually, separated from the collective, seem irrelevant or harmless at best.

The theme of the fallacy of the choice, that if you have family responsibilities you will most likely choose family first which puts the onus of opting out of career advancement on the individual with family responsibilities, is one indicator of a type of subtle discrimination embedded in the school system that forces people with family responsibilities to opt out of career advancement and then take personal responsibility for doing so. Thus, this is one way FRD can negatively affect career advancement in the school system, which is supported by Hackett and Betz's (1981) model of women's career development based on self-efficacy theory. They predict that mostly due to experiences in socialization, women have lower expectations of efficacy when it comes to a number of behaviors related to careers, which causes them to miss out on realizing their full potential in their careers. It similarly follows, the lower the expectations of their own abilities (i.e. they cannot effectively balance work and family while advancing their careers and much choose either/or), the less likely teachers will be to seek

advancement, and so they basically take themselves out of the career advancement race before it begins.

The evidence from this study that administrator discretion plays a major role in making balancing work and family responsibilities easier or more difficult can be linked to previous research that shows a supportive relationship with superiors is an important contributor to one's career advancement (Igbaria & Worley, 1992), leading us to conclude that people who face potential negative effects of administrator discretion related to family responsibilities will lack a supportive relationship with their superior, which translates to less potential for career advancement.

The findings show that having family responsibilities while working presents a roadblock to attaining one's master's degree, which is a prerequisite for advancement in the school system, unlike many other professions. According to Lent, Brown & Hackett's (1994) "model of social cognitive influences on career choice behavior", people who perceive negative factors in their environment such as lack of support systems or impossible barriers are not as likely to act on their career goals, while those who perceive supportive environmental factors will be more likely to transform interests into goals and then into actions. Overall, the majority of participants perceived having family responsibilities while teaching to be an insurmountable barrier to attaining a master's degree, which means based on Lent's et. al. model, that these participants would be less likely to act on interests or goals for career advancement even if they did want to advance.

Quantitative Results

Below is the survey codebook (Table 7) to explain each variable in the exit survey:

Table 7. Codebook

FEMALE= 1 Male = 0
AGE= Age in years
YRSPOS=Years in the position
EDUCAT= Highest Level of Education Completed: GED=1, High School=2, Associates=3, Bachelors=4, Graduate work=5, Masters or terminal degree= 6
FR= Family Responsibilities: 0=no 1=yes
AWARE= Awareness of FRD prior to study participation: 0=no 1=yes
FRDLIT= FRD Litigation on the rise: 0=no 1=yes
FRDFREQ= Frequency of FRD (do you think it occurs often in general): 0=no 1=yes
SUE= Can you sue your supervisor/employer for FRD: 0=no 1=yes

Once the surveys were completed, the data was manually transferred from the written surveys to an Excel spreadsheet. The spreadsheet was then exported to STATA and the summarize command was used to calculate descriptive statistics. Due to the relatively small sample size, it was not worthwhile to run correlations or regressions on the data. The descriptive statistics describe the sample demographics and provide preliminary evidence of FRD awareness, knowledge of FRD litigation, and perceptions of FRD frequency. For a summary of the descriptive statistics, please see Table 8 below.

Table 8. Descriptive Statistics

Variable	Observations	Mean	Std. Dev.	Min	Max
Female	29	1	0	1	1
Age	27	39.9	11.3	22	57
Yrs in position	28	9.8	7.1	0	22
Education	29	4.9	0.9	4	6
Family Resp.	27	0.9	0.4	0	1
Awareness	29	0.7	0.5	0	1
FRD Litigation	29	0.3	0.5	0	1
FRD Frequency	29	0.6	0.5	0	1
Ability to sue	29	0.6	0.5	0	1

The age range of the sample is 22 to 57 (Illustration 3). The range of “years in position” variable is 0 to 22 (Illustration 4). The sample is 100 percent Female. Only 1 out of 29 respondents were a classification other than White, non-Hispanic (Illustration 5). The sample consisted of school workers with various position titles, but the majority was teachers (Table 9). All participants had a minimum of a Bachelors degree, while several had some graduate work, masters or terminal degrees (Table 10).

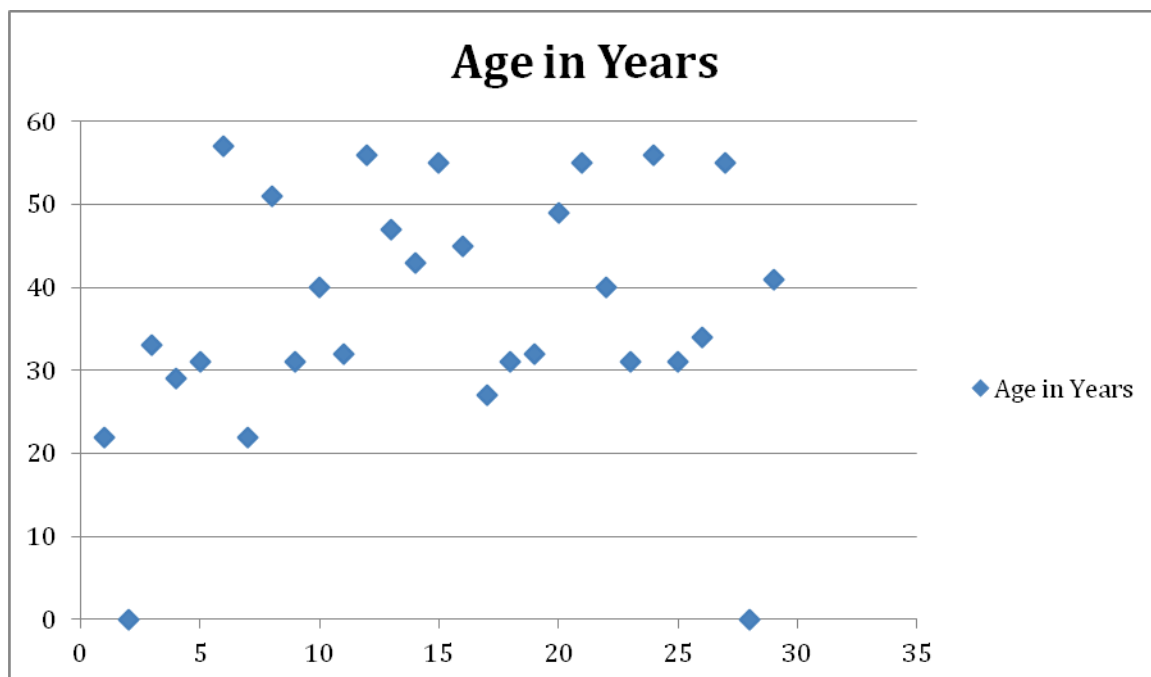
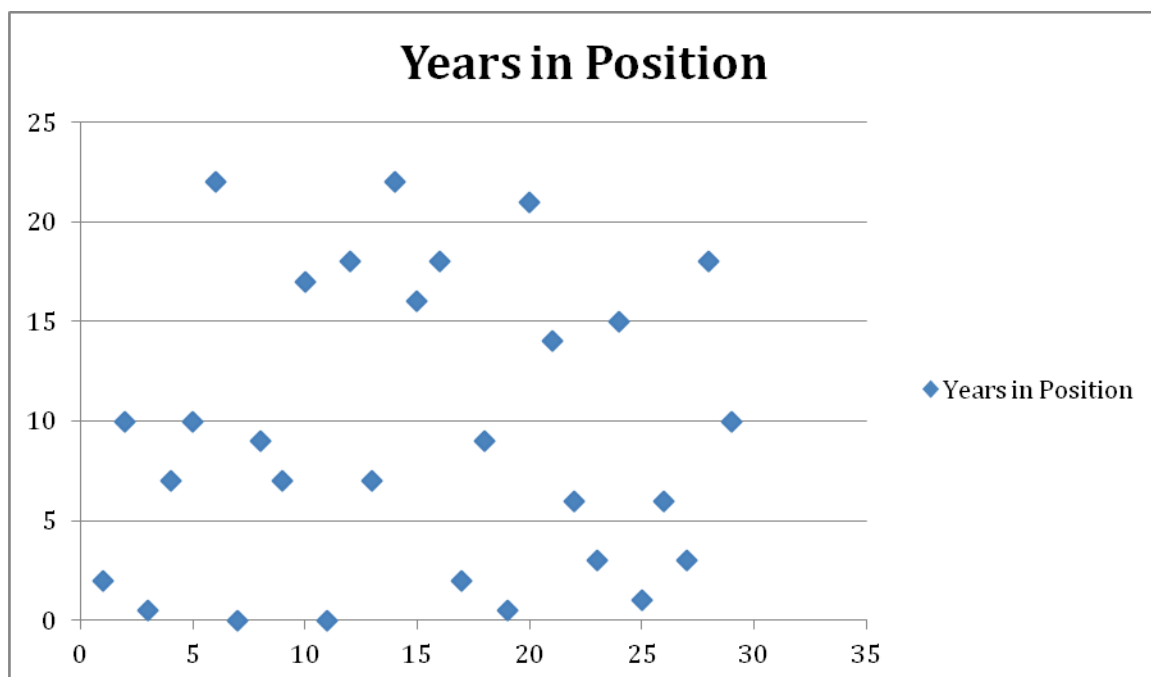
Illustration 3. Age**Illustration 4. Years in Position**

Table 9. Position Title

Permanent Substitute Teacher	2
Teacher	20
Occupational Therapist	2
Speech Therapist	2
School Nurse	1
Guidance Counselor	1
Paraprofessional	1

Table 10. Education

Bachelors	13
Graduate	7
Masters or Terminal	9

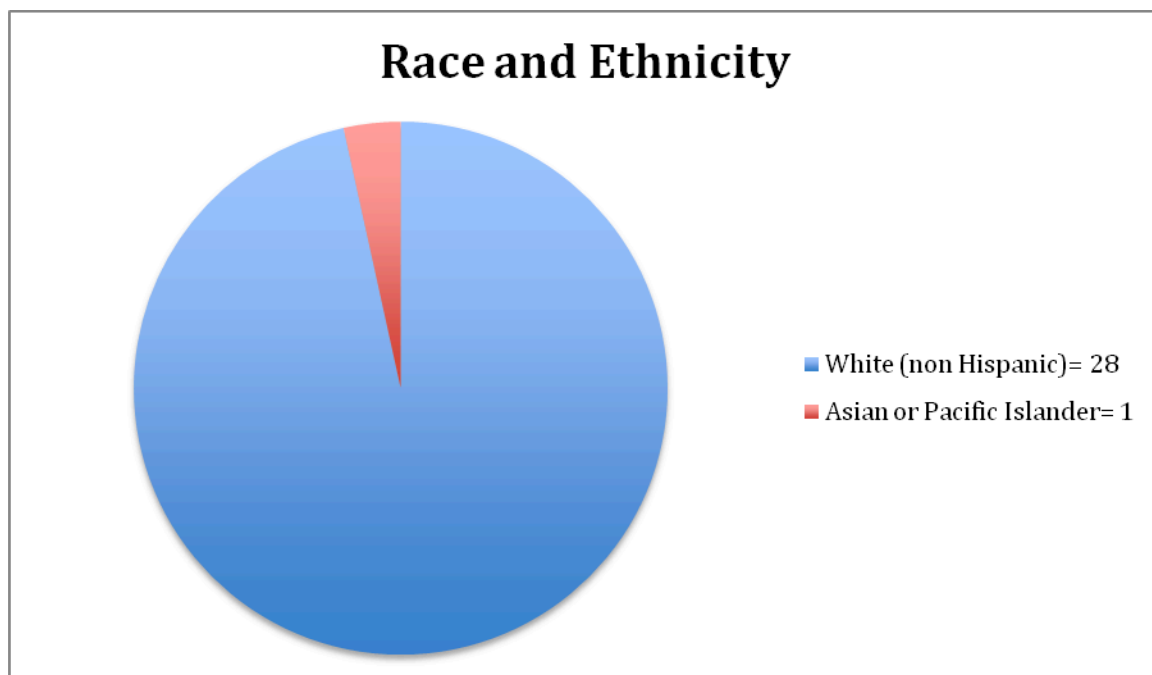
Illustration 5. Race and Ethnicity

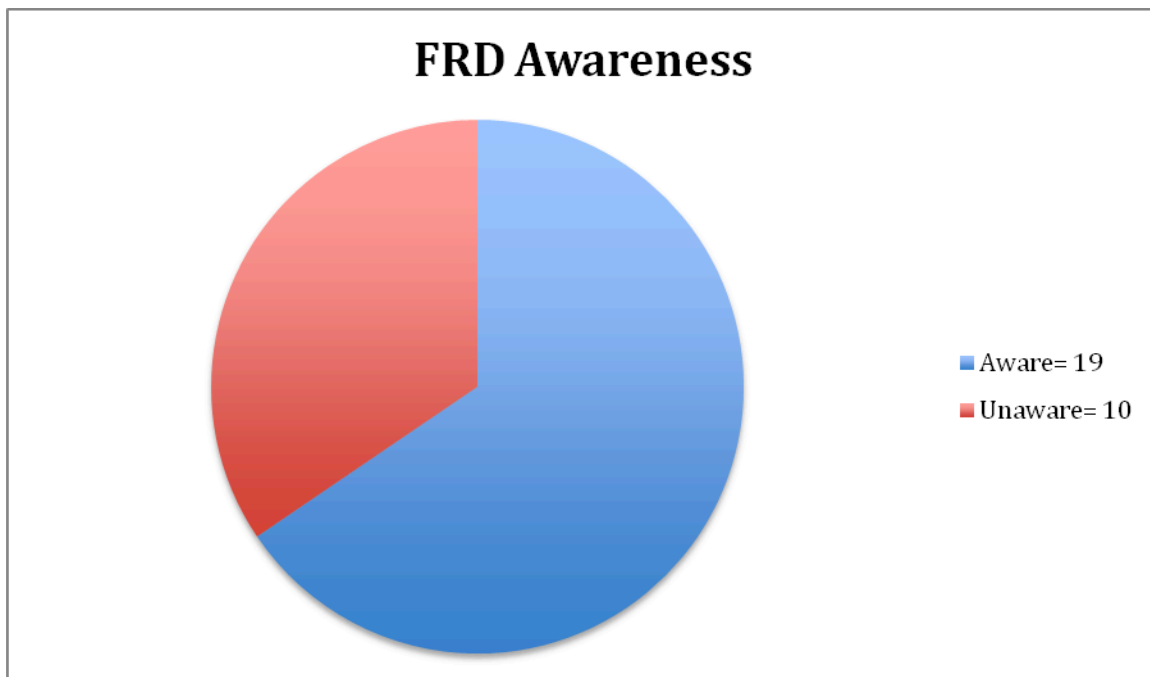
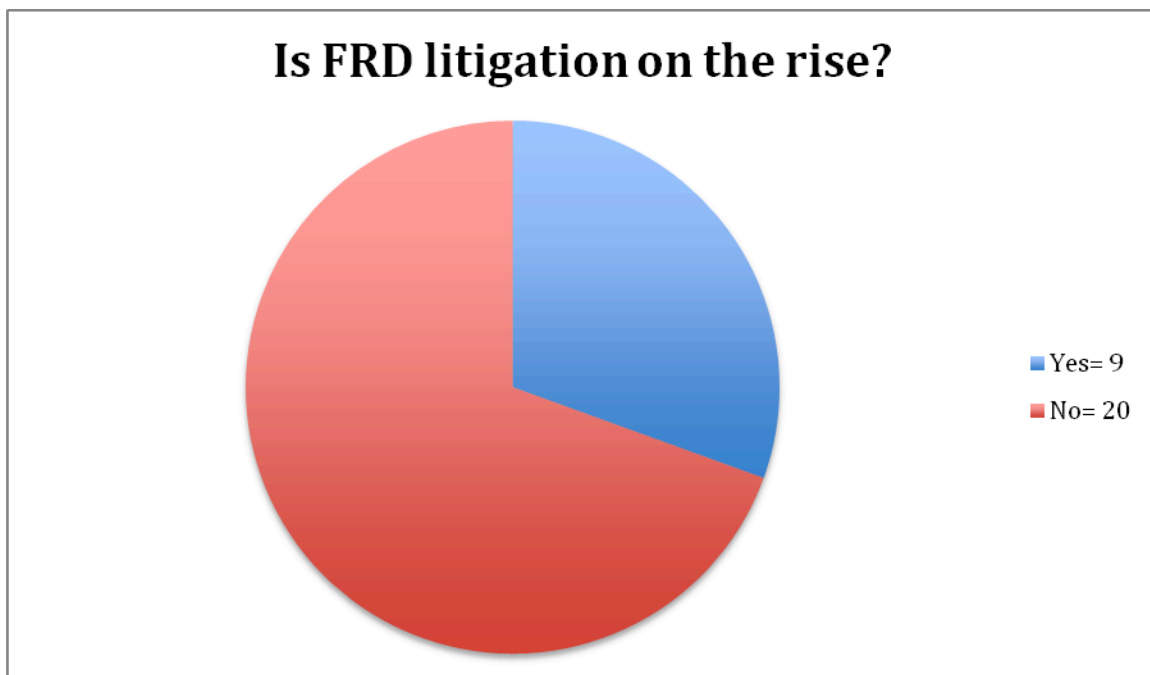
Illustration 6. FRD Awareness**Illustration 7. Perceptions of FRD Litigation: Is it on the rise?**

Illustration 8. Do you think FRD occurs often?

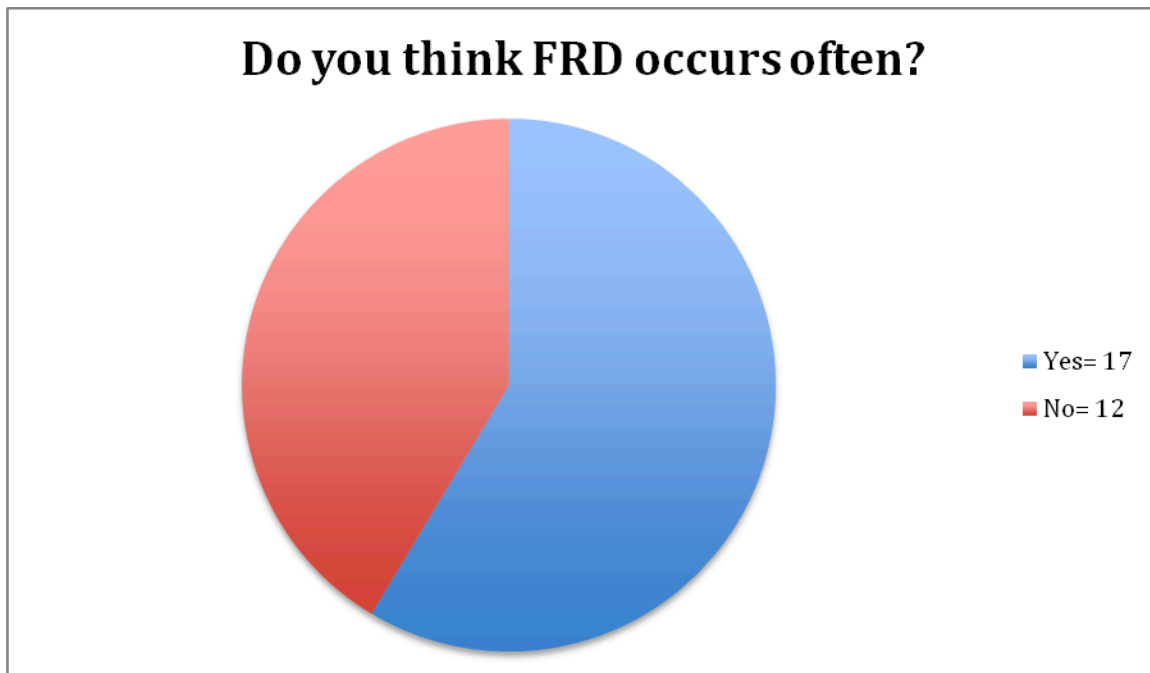
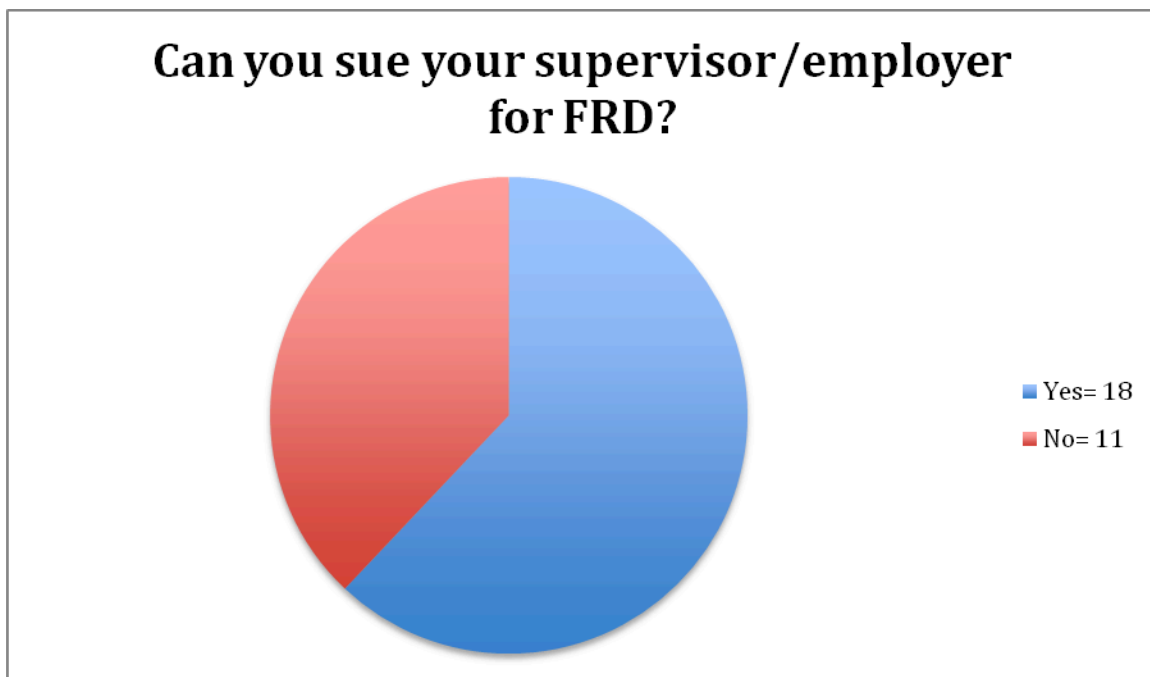


Illustration 9. Can you sue your supervisor/employer for FRD?



Sixty-six percent of the sample claimed to be aware of the concept of family responsibilities discrimination, while 34 percent said they were not aware of it (Illustration 6). Various respondents, while filling out the survey, mentioned they might not have known there was a specific concept called FRD, but they know of discrimination against people with family responsibilities. This raises doubt about the validity of this variable; moving forward, it would be useful to further clarify this question for survey respondents. In fact, I think had they been asked to explain their responses, it may have turned out that several more respondents had not actually known about the term or concept of FRD, but know of discrimination against caregivers.

Sixty-nine percent seemed to think FRD litigation was not on the rise, while 31 percent responded that it was on the rise (Illustration 7). This shows preliminary evidence that there is a lack of awareness about the increase in FRD litigation.

Fifty-nine percent responded that FRD occurs often (in general, not just in the school system), while forty-one percent responded that they did not think FRD occurs often (Illustration 8).

Sixty-two percent responded that they believed it was possible to sue your supervisor or employer on the basis of FRD, while thirty-eight percent responded that you could not sue on the basis of FRD (Illustration 9). This is preliminary evidence pointing to a lack of awareness about the ability to sue your supervisor or employer on the basis of FRD.

Chapter 5: Conclusion

Summary and Discussion

This study has provided preliminary evidence that FRD causes people with family responsibilities to use discretion both in the workplace and at home. There is evidence that people with family responsibilities sometimes feel the need to bend the rules and occasionally keep family information from work. Participants, for the most part, describe a balancing act to manage family responsibilities with work and claim to put family first. Women seem to heavily carry the burden of family responsibilities, while work has also been shown to have negative effects on family life. The responsibility of managing family and work creates added stress, guilt and regret; people with family responsibilities seem to be in a perpetual state of having to sacrifice one for the other, interchangeably work and family.

Furthermore, current organizational factors not only fail to lessen the effects of family responsibilities on the work and family balancing act, but this study provides preliminary evidence that organizational features such as discretion of administrators and rigidity of sick time contribute to those negative effects. While having to take extended leaves of absence for one's own illness seemed to be fully supported, if a person who normally did not have family responsibilities suddenly had a family member get sick who needed care on a regular basis that would interfere with volunteering for extra work responsibilities or would result in taking more days off than usual, this was frowned upon and many participants feared being punished with a move to a different position or having their classroom taken away. While there is acknowledgement of

progress, the desire for more accommodations like childcare and more flexibility in terms of taking days off to tend to family responsibilities is very much present.

This study highlights individual dimensions of family responsibilities among public school professional staff. Age of children and number of children affected people's ability to balance career and family. The younger the children or the more children, the more difficult it was to be superstars at their careers, especially when there was a lack of support from either a spouse or other family members. This is consistent with previous research. Participants who had more family responsibilities, such as caring for an elder and children, tended to have a more difficult time juggling work and family.

Overall there seemed to be a lack of awareness of FRD as a legal concept, despite awareness of the tensions commonly associated with balancing work with family responsibilities. This study also provides preliminary evidence that FRD negatively effects career advancement. These negative effects are facilitated by the presence of the higher education roadblock, pressure to volunteer, the fallacy of the choice, and anecdotal instances of perceived discrimination.

In general, among participants, there is a view of the school system as outwardly fair, or neutral on face value, toward people with family responsibilities, that it is someone's choice to opt out of career advancement due to family responsibilities, but that the school system would never tell them they cannot pursue advancement due to their family responsibilities. Yet many participants noted that certain rules or behaviors made them feel discriminated against, or in the least, various organizational procedures,

structures and expectations would force people with family responsibilities to have to put their career advancement second to their family. While several participants did not seem interested in advancing to a higher ranking position and were content with their current positions, overall the organizational dimensions of the school system appears to affect people with family responsibilities differently than they do people without family responsibilities. The consequences include subtle benefits or rewards for people who either do not have family responsibilities or do not put family first, because people who can focus solely on their career without family distractions or interruptions are able to take on many after school activities, volunteer for committees, attend after-hours meetings, attain masters degrees, and avoid taking days off from work during the year for anything other than their own illness. This is in spite of the fact that many participants admitted to choosing this field or even switching to the profession from another career because they thought it would be more family friendly, and overall seem to believe that it is a more family friendly environment than the private sector, to some degree.

Another consequence of rewarding people without family responsibilities is that caregivers seem to have stress about balancing work and family along with guilt and worry about taking days off for family reasons, while others still harbor regrets over decisions they made to choose career over family, when they realized later it was detrimental to their family responsibilities. Many admitted to engaging in self-blaming behavior in regard to work or family. As one participant put it, "They pull you in all these directions."

What sense do we make of a system that in some ways rewards people without family responsibilities with career advancement, but often punishes or makes people feel uncomfortable when they occasionally make the decision to choose family over work out of necessity? At a time when the majority of the public work force has family responsibilities, this puts the majority of public sector employees at a disadvantage for career advancement.

Practical Implications

This research examines how Family Responsibilities Discrimination affects career advancement from a primarily qualitative standpoint, and can serve as a stepping-stone toward informing management and training practices of the public sector as well as education policy and legal policy. This study suggests ideas and recommendations for better accommodations of the needs of public sector workers with family responsibilities, especially public school teachers and similarly situated staff.

Policy Implications

The discussion about what to do in regard to FRD begins among legal scholars with the debate over accommodations versus discrimination. In other words, should FRD be treated in the context of needing to provide accommodations to people with family responsibilities, as is the case with disability law, or is it necessary to treat FRD as an issue of discrimination, which would be based on the overarching American legal approach that demands equality. Kessler (2006-2007) frames the problem of

work/family conflict as a form of sex discrimination and part of a larger problem of gender bias in the workplace. Dowd (1989) cautions that discrimination analysis is limiting when dealing with gender in relation to the workplace and that we must move beyond the traditional structure of discrimination analysis to a broader framework that can better tackle this far-reaching problem.

Williams and Bornstein (2008) disagree with previous scholars who push for the accommodations model, citing the facts that most of the workforce in the U.S. require accommodations for family responsibilities since at least half of the workforce is made up of women, most families adult members all work, etc. They do not think it is reasonable to expect accommodations to be made for such a large percentage of the workforce, since workers with family responsibilities are in fact the norm, not the exception. They also note that most of the discrimination has its roots in stereotypes that are separate from actual behavior of the individual, and so demanding accommodations seems to prove the negative stereotypes to be true. They believe the system needs to be re-envisioned so that it is automatically assumed that a worker has family responsibilities, which is very different than assuming what might now be thought of the myth of the family-less worker. Ultimately, they assert that caregiver discrimination is the new gender discrimination, because while employers will typically be aware of the fact that it is wrong and illegal to decide an employment issue based on gender, they are not aware that the same holds true for family responsibilities. In fact they liken the development of FRD to the evolution of sexual harassment law, and how at first it was not even definitely actionable under Title VII, but that eventually once case

law increased and the Supreme Court got involved, a slew of even more cases emerged, which set off a domino effect of workplaces having to scurry in order to train entire workforces in order to protect themselves. Riccucci (2002) lays out a thorough guide for managing diversity that includes ways to provide accommodations to people with family responsibilities. We can most likely anticipate more work like hers that highlights the importance and best practices of managing a diverse workforce that includes family responsibilities. It is in the interest of policy makers to encourage such research through funding and enhanced media coverage.

However, Suk (2010) contends that lumping parental leave with other types of leave has caused difficulty for enacting parental leave under FMLA. Williams (2010) offers an answer to Suk by asserting that FRD triumphs simply because it bases discrimination complaints not on women but on “masculine workplace norms” and that FRD litigation allows for these norms to be directly attacked, providing an avenue to face “structural inequalities” head-on (Williams, 2010).

Perhaps the main roadblock to eradicating FRD is the lack of specific federal legislation to directly prohibit FRD in its own terms. As it currently stands, claims can be brought under various statutes but this puts a greater burden on the victim of FRD to creatively come up with a reason that fits a different mold that was intended for other forms of discrimination. Perhaps specific federal FRD legislation needs to be drafted and passed. Current legal protections to prevent FRD fail to mitigate enough of the effects of family responsibilities on the family/career-balancing act. The closest we have gotten to specific legislation is the Family and Medical Leave Act, which is a good start,

and better than nothing, but this legislation is limited since it only focuses on a relatively brief time period, and federally does not require pay provisions.

Recently two major class-action claims have been brought against major corporations: Bloomberg and Walmart. Claims against Bloomberg were dismissed and the case against Walmart was closed on a technical ruling related to the nature of class action suits. However, both the fact that these claims were entered in the first place along with the media attention they have received speaks volumes about what the future holds for the role of the judicial branch in shaping FRD. Those are two major examples of cases that have been covered by the media, but the more individual cases that are brought to courts for judges to decide, the more power the judiciary will have in determining the landscape of FRD law. Policymakers must therefore promote careful consideration of this important power when appointing judges.

Aside from legislation and judicial power, another avenue worth consideration to lessen FRD is how we choose, educate and train our public bureaucracy. In his discussion of the relationship between appointed public servants and democracy, Mosher (1968) assumed that decisions the unelected/appointed bureaucracy make, which happens to be a large percentage of government decisions, affect the development of society, policy and economy. Furthermore, these bureaucratic officials make decisions based on their own set of personal values, abilities, and preferences that come about through their training, education, background, etc. Carefully educating and training bureaucrats so that they are fully informed of family responsibilities and FRD could be immensely helpful in creating policy that will help to lessen FRD.

Selection of bureaucrats is also an important factor for policymakers to consider.

A representative bureaucracy is essential. Krislov (1974) defines a representative bureaucracy as government that has similar characteristics to the people who are being governed. Scholars and practitioners have often envisioned an ideal government where perfect representative bureaucracy exists, and wonder why it seems so difficult to transform that vision into reality. It is not only essential within the theoretical framework of social equity, but as Krislov & Rosenbloom (1981) believe, unrepresentative power of government is the greatest threat to democracy.

Much research on representative bureaucracy has focused on gender and gives credence to the effectiveness of representative bureaucracy. Wilkins & Keiser (2006) were able to link passive and active representation by gender in gendered policy areas. Meier (2006) studied data from 60 urban areas over 8 years and found the percentage of female police officers is positively correlated with the number of sexual assault reports and arrests, which illustrates tangible benefits of representation. Dolan (2000) found women executives are more likely to have female friendly attitudes when they work in an agency or department with an area dedicated to women's issues and when higher percentages of elite women hold leadership positions, and similarly Saidel (2005) finds the agency makes a difference, and that working in a redistributive agency affects whether the worker seeks women-centered policy agendas, despite any personal characteristics, including gender. Fowlkes, Perkins, & Tolleson (1979) found gender roles had an impact on party activities and electoral ambition while Iversen and Rosenbluth (2006) showed how gender division of labor and the structure of the welfare state can

affect women's power in the family unit, which helps to explain variation in gender division of labor and the gender gap in political preferences across countries. Gender roles seem to run both ways, from the home to the public sphere, and vice versa.

Still other research on representative bureaucracy indicates organic differences such as Jennings and Farah's (1981) report that female elites lag behind male elites in political ambition and expectations, which is interesting when considered in relation to Fowlkes's (1979) study on gender roles impacting electoral ambition. Sanbonmatsu (2002) found that voters often prefer either male or female candidates, which pinpoints the existence of a preference that may affect voting behavior. Finally, some research in this area has been prescriptive such as Dovi's (2002) suggestions for how to select preferable descriptive representatives and Hutchinson's (2002) recommendation that democracy needs to be engendered, to represent women in all aspects, in order to be a fully viable democracy.

Furthermore, it is not just an issue of increasing awareness of FRD among the bureaucracy or making sure the bureaucracy is representative; since this is a newer area of law, there is quite possibly a lack of *public* awareness about FRD. As with any worthwhile policy change, the push for policies to help alleviate FRD should come from the grassroots level, the citizens, who could organize and be a powerful voice through lobbyists, elected officials and interest groups. This push from the public is not likely to happen, however, if the public is not aware of FRD. Perhaps people are familiar with the tensions associated with balancing work and family and might know what FRD looks like if they were to see it, but they might not know of FRD as a legal concept that is

actionable under law and prohibited in workplaces. A lack of public awareness of the legal concept can help to perpetuate the problem by keeping instances of FRD under wrap.

The American labor system is not designed to be fully inclusive of people with family responsibilities. This structural problem is evidence of the historical lack of respect for the value of the caregiver's role in American society, and in a capitalist system where there are very few helpful, let alone adequate, safety nets to assist with the business of caring for small children and ill adults, this poses a particularly alarming problem. Children and many ill people are unable to care for themselves; should we not value these vulnerable members of our society enough to allow for them to be taken care of in a sufficient, decent and personal way? The current system makes it the individual's problem, as opposed to a societal issue to be addressed. The message sent is to do your best to balance it all, and if you cannot, it is your own fault. The issue of FRD is one that reaches the core of why this nation was founded: freedom for all. Adhering to impossible standards that were based on the old sole breadwinner society and that do not meet the needs of more than half the current workforce and then having piecemeal litigation under various statutes in order to right previous wrongdoings hurts people with family responsibilities and neglects the importance of caring for our most vulnerable citizens.

Limitations

The limitations of this research deserve consideration. First, the research was conducted using a small sample, which means the results of which cannot be generalized to a larger population. The results of the study will be generalized only to theory.

Second, as with any study, the reliance on self-perceptions may be limited. It is possible that survey respondents and interview participants were not completely truthful in their answers, despite the fact that all participants in this study were assured of confidentiality and the importance of their candid and honest responses. The mixed-methods approach employed in this project hopefully minimized this limitation.

Third, there is an issue of potential selection bias of school sites; the selection of sites has been based on the ability to gain access to public schools, while considering financial and time restrictions.

Fourth, this project does not address the issue of reverse discrimination or biases against people without family responsibilities. This is a different issue that is not dealt with directly or indirectly by this study.

Fifth, since this study examines public school teachers and professional school staff similarly situated to teachers, the findings and results are specific to this population and caution should be used when trying to generalize results to other types of public employees such as agency staff, police officers, or municipal officials.

Sixth, despite an effort to recruit voluntary participants regardless of gender, partly due to the fact that the non-manager staff at each of the three schools sampled were predominantly women, the sample ended up being all females. Thus, a major

limitation is that the results of this project do not reflect any male perceptions. Also most likely due to the fact that the main racial and ethnic classification of the staff at each school is White (non-Hispanic), there is only one participant in this study who self-identified as Asian-Pacific Islander, and there were no participants who represented any other racial/ethnic category. This is a major limitation, having not been able to capture a more diverse sample to reflect the perceptions of other racial and ethnic categories.

Seventh, this study does not quantitatively measure the effects of FRD on career advancement in terms of concrete numbers or decisions regarding promotion outcomes, or fixed/objective criteria of that nature. Instead, this study seeks to provide a picture of how FRD may affect career advancement through employee perceptions, for whatever they may be worth.

Recommendations for Action

The following is a list of recommendations for action in the field based on the findings of this study:

1. Increase flexibility in sick/personal leave: By allowing staff to take days off to tend to family responsibilities, this would give employees more power over their own family/work balance in a way that would help to eliminate the pressure on employees with family responsibilities.
2. Provide childcare accommodations: Providing district daycare centers at a reasonable price for small children while their parents are at work, would be an added incentive and would make managing family responsibilities easier.

3. Train administrators to better manage their discretion: By specifically training administrators on the issue of how influential their discretion is in granting various privileges related to taking time from work, they could then be held accountable for playing favorites or discriminating against people with family responsibilities.
4. Offer on-site graduate education programs: By offering masters classes on-site before or after school, perhaps more staff members would have the opportunity to go back to school or complete their master's degrees so they could try to advance their careers.
5. Raise awareness about FRD: By training staff, board members and administrators about FRD, supervisors and staff will be better equipped to understand and be sensitive to FRD.
6. Create volunteer teams: In order to alleviate pressure to volunteer for extra-curricular activities or jobs, perhaps encouraging the creation of volunteer teams would alleviate the burden of having to commit to regular extra-curricular responsibilities by having a tag team, where a small group of teachers commit to the same activity and split up the responsibility to help work around each others' schedules.
7. Embark on a culture shift: In order to eliminate the perception that people with family responsibilities need to choose between their families and career advancement, there needs to be a culture shift that accepts public school employees with family responsibilities as the rule, not the exception.

Future Research

Upon concluding this study, it is evident that there are various avenues ripe for future research on how FRD affects career advancement. It would be useful to extend the sample to more schools and other states by conducting a survey of a larger sample size, and perhaps interviewing staff from a wider variety of public schools. Specifically targeting other ethnicities and races aside from White (non-Hispanic) would be beneficial, along with interviewing men to get a more diverse sample that reflects more views than just white women.

In one of my interviews with a teacher, she mentioned how her daughter was the only female police officer on the force years ago and when she became pregnant it was a difficult situation for her. It would be interesting to see how other public employees compare to teachers, such as police officers (who unlike teachers, often operate in a predominantly male profession), or even state agency or municipal workers, to see if there is any variation in experiences and perceptions of agency type or towns.

Yet another study of interest would be how public managers and supervisors perceive FRD in relation to career advancement by interviewing and surveying them, to get the perceptions of the rule keepers and enforcers. Perhaps surveying school boards and principals would be helpful to continue a further investigation of this study.

In various interviews teachers brought up the issue of how they are being held accountable for students' test scores and how this adds to the stress they have about taking days off to attend to family responsibilities. Further inquiry into this issue would

be helpful in understanding the big picture of how current state and federal mandates in education may be linked to placing more pressure on people who have family responsibilities. Furthermore, it would be interesting to see what elected representatives and judges throughout the state perceive about the relationship between FRD and career advancement.

A few participants brought up unions in their interviews, but since this study did not directly examine the role of unions, there was not enough data collected about perceptions of the role of unions in relation to FRD and career advancement. Future studies might further explore this topic.

While this study did not directly examine the perceptions of public/private differences, a few participants brought up the private sector and there were suggestions that the differences between both sectors plays a role in their perceptions about working in the public sector. It would be worthwhile to further explore this relationship.

Finally, although participants were not directly asked about gender differences of dynamics between staff and administration, quite a few brought it up during the interviews. There seems to be awareness that there is a sex/power dichotomy, where many administrators are men, and most teachers and professional staff are women. This is an interesting dynamic that may speak to how FRD affects career advancement, and a few participants seemed to think this element could be somehow linked to whether or not where they work is more or less family friendly. Future studies could look into this.

Future research would be helpful to further examine the findings from this study related to the complexity of discretion used by teachers with family responsibilities both

at work and at home. If further pursued, this finding could provide a new direction for bureaucratic discretion literature. By further examining how use of discretion both at work and at home based on caregiver status interacts with the policy-making and work related decisions or traditional discretion that is discussed in the literature, we can get a fuller picture of who these street-level bureaucrats are as whole people.

Future studies could also try more ways of measuring perceptions of FRD and how these perceptions relate to career advancement, by testing different survey questions and interview questions, and by using other data collection methods such as focus groups and experiments.

In sum, there is much work left to further explore the relationship between FRD and career advancement. This study is useful as a small glimpse into the real lives of a sample of public workers who balance work and family. By establishing more of a foundation for understanding the dimensions of FRD, and how to investigate the ways in which FRD occurs, we can begin to better comprehend what needs to be done to eliminate FRD and provide better workforce accommodations for people with family responsibilities.

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Appendix 1: Interview Protocol

Thank you for volunteering to participate in this study.

I am conducting research to learn about family responsibilities discrimination and career advancement. All information you provide during this interview will be kept confidential. The findings of this study will be used for academic purposes, but will not link any information with individual participants in the study, although I will identify the agency. The purpose of this research project is to gain insight into your thoughts and opinions about the effects of family responsibilities discrimination on career advancement.

Do you have any questions for me before we begin?

Basic Information

1. Can you tell me about your current position at the agency?
2. How long have you been at the agency?
3. Do you enjoy your current job?

Questions Linked to Propositions

4. Do you currently have family responsibilities? What is the nature of these responsibilities?
5. Do you think having family responsibilities hinders career advancement in your agency? Why or why not?
6. What does your agency do to help/hinder the work/family-balancing act?

Storytelling

Now if you don't mind, could you please recall the stories you thought about in preparation for our meeting, including as much detail as possible?

(ask follow-up questions to clarify unclear points or comments...)

In your opinion, was discrimination a part of any of the stories you relayed to me today?

Is there anything else you would like to add before we conclude our meeting?

Thank you much for your time!

Appendix 2: Story Instructions

In preparation for your interview next week, please write down a small outline of 2 or 3 stories about when you or someone you work with has used discretion at work based on family responsibilities (which can include responsibilities caring for a child or family member) in your agency. The outline will help you to remember details when telling the story during our meeting.

I would like to hear about any stories that involve how you or someone you know at your agency has used discretion in making a decision or did something differently based on their having family responsibilities.

Please try to include as much detail as possible in the stories, including information about the characters in the story, and any relevant setting or circumstantial details that may be of interest.

Thank you for your time in preparing the stories!

(Adapted from Maynard-Moody & Musheno, 2003).

Appendix 3: Exit Survey

ID Number _____

Gender: ____ M ____ F

Age: _____

The following questions ask about your knowledge of family responsibilities discrimination (FRD) and your current job. This survey should take about 10 minutes.

1. Were you aware of the concept of “family responsibilities discrimination” before participating in this study? Yes _____ No _____
2. To your knowledge, is family responsibilities discrimination litigation on the rise? Yes _____ No _____
3. Do you think family responsibilities discrimination occurs often? Yes _____ No _____
4. As far as you know, can you sue your supervisor or employer on the basis of family responsibilities discrimination? Yes _____ No _____

Current Job Title: _____

How long have you had this title? _____

What is your racial or ethnic background?

_____ African American (not Hispanic)

_____ American Indian

_____ Asian or Pacific Islander

_____ Latino/ Hispanic (regardless of race)

_____ White (not Hispanic)

_____ Other

Highest Level of Education Completed

_____ GED

_____ High School

_____ Associates

_____ Bachelors

_____ Graduate work

_____ Master's degree or terminal degree

Other _____

Appendix 4: Consent Form

Initial Here _____

Interview Consent Form

Dear Participant,

You are invited to participate in a research study about family responsibilities discrimination and career advancement. This study is being conducted by Lauren Bock Mullins as a partial requirement for the doctoral program at the School of Public Affairs and Administration, Rutgers University – Newark, New Jersey. This form will serve as your consent to be included in this study.

During this study, you will be asked a number of questions pertaining to your views about family responsibilities discrimination and career advancement. Approximately 30 people will participate in this study. Each interview will take between 20 minutes to one hour. Please feel free to elaborate on anything or extend the interview time if you have more to include that is related to the study. There are no foreseeable physical, mental, or monetary risks to participating in this study.

Please understand that your participation is voluntary and you may discontinue your participation at any time during the study without any sort of penalty. You may also refuse to answer any questions, and your privacy will be preserved in all published and documented data from the study. You should also understand that this study could involve audio taping the interview for research purposes. Neither your name nor any other information that could identify you will be associated with the audiotape or the data transcript. Only the researcher(s) will be permitted to listen to the tapes. These surveys will only be identifiable by a confidential ID#, not your name.

This research is confidential. The research records will include some information about you and this research will be stored in such a manner that some linkage between your identity and the response in the research exists. Some of the information collected about you includes demographic data, personal stories about family responsibilities and your views on career advancement. Please note that we will keep this confidential by limiting individual's access to the research data and keeping it in a secure location- a locked filing cabinet to which only the principle researcher has access. The research team and the Institutional Review Board of Rutgers University are the only parties that will be allowed to see the data, except as may be required by law. If a report of this study is published, or the results are presented at a professional conference, only group results will be stated. All study data will be kept for three years.

Participant Consent:

I agree to be taped during the study interview: _____ (signature)

I understand that the audiotapes will be transcribed by the researcher(s) and erased once the transcriptions are checked for accuracy. Transcripts of my interview may be reproduced in whole or in part for use in presentations or written products that result from this study. Neither my name nor any other identifying information (such as my voice or picture) will be used in presentations or in written products resulting from the study.

I further understand that immediately after the interview I will be given the opportunity to have the tape erased.

Finally, I understand that should I become unwilling to answer the questions asked during this study, the researcher may choose to end my participation in this study.

Please check one of each pair of options.

- A. ____ I consent to participating in the interview.
 ____ I do not consent to participating in the interview.
- B. ____ I consent to have my interview taped.
 ____ I do not consent to have my interview taped.
- C. ____ I consent to have my taped interview transcribed into written form.
 ____ I do not consent to have my taped interview transcribed.

Initial Here _____

If you have any questions about this research, you may contact the principal investigator:

Lauren Bock Mullins
 School of Public Affairs and Administration (SPAA)
 Rutgers University- Newark
 Center for Urban and Public Service
 111 Washington Street
 Newark, NJ 07102
 Telephone: 201-401-9284; Email: lauren567@gmail.com.

You may also contact my faculty advisor:

Dr. Norma Riccucci
 School of Public Affairs and Administration (SPAA)

Rutgers University- Newark
Center for Urban and Public Service
111 Washington Street
Newark, NJ 07102
Telephone: 973-353-5504; Email: riccucci@rutgers.edu.

If you have any questions about your rights as a study participant or are dissatisfied with any aspect of this study at any time, you may contact the office of Research and Sponsored Programs at Rutgers University, located at 3 Rutgers Plaza, New Brunswick, NJ 08901 (Cook Campus). They can also be reached at (848)-932-0150 or email at humansubjects@orsp.rutgers.edu.

Thank you for agreeing to do this interview and for your time. You will be provided a copy of this form for your records.

_____		_____
Participant Name	Date	

_____		_____
Participant Signature	Date	

_____		_____
Investigator Signature	Date	

Curriculum Vitae

Lauren Bock Mullins

Born December 8, 1980 at Jersey City Medical Center in Jersey City, NJ.

Education

Holy Family Academy in Bayonne, NJ 1994-1998

High school (secondary school): Junior Class President, NHS President

Villanova University – 1998-2002

Bachelor of Arts in Political Science and Communication with Minors in Africana Studies and Spanish: Political Science Medallion Award.

Columbia University Graduate School of Arts and Sciences – 2002- 2003

Master of Arts in Human Rights, Liberal Studies MA Program

Women's Rights Concentration

New Jersey City University – 2003- 2007

Master of Music in Performance (Voice)

Rutgers, The State University of New Jersey, Campus at Newark

School of Public Affairs and Administration– 2009- May 2012 (anticipated)

Doctor of Philosophy in Public Administration

Concentrations: Public Management; Performance Measurement & Improvement

Employment

Rutgers, The State University of New Jersey, Newark, New Jersey (September 2009 – Present)

New Jersey City University Jersey City, New Jersey (October 2004 – August 2009)

Program Assistant to the Music, Dance & Theatre Department (Professional Services Specialist - State of New Jersey)

William Paterson University, Wayne, New Jersey (Fall 2004)

Adjunct teaching two sections of undergraduate class: Introduction to American Government (Political Science Department)

Publications

Book Chapters

Holzer, Marc and Lauren Bock Mullins. "Citizen Participation and Performance: A Model for Citizen-Based Government and Performance Management." In, Hindy Schachter and Kaifeng Yang (Eds.), *The State of Citizen Participation in America*, International Civic Engagement Series. Information Age Publishing (forthcoming)

Holzer, Marc, Lauren Bock Mullins, Rusi Sun, and Jonathan Woolley. "An Analysis of Collaborative Governance Models In the Context of Shared Services." In, Hindy Schachter and Kaifeng Yang (Eds.), *The State of Citizen Participation in America*, International Civic Engagement Series. Information Age Publishing. (forthcoming)

Articles

Mullins, Lauren Bock. "The Art of Improvisation and Street-Level Bureaucracy." *Public Voices*, (forthcoming).