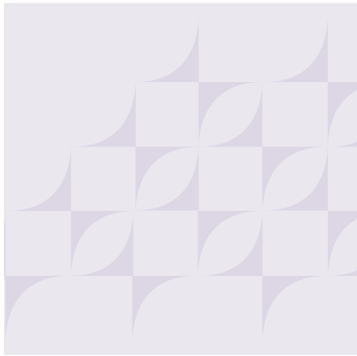


# Fatherhood and the Law—Being Present and Maintaining a Presence: Part 2 of 2

By Benjamin A. Mains, Timothy J. Domanick &

November 28, 2023

## Meet the Authors

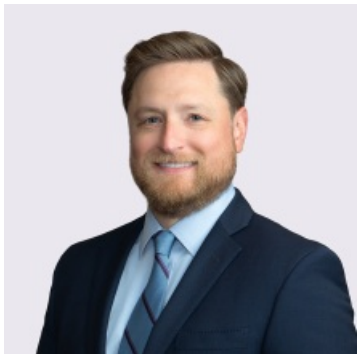


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## Details

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Guest Speaker: Ron Bell, CLO at Collective Health

A more inclusive workplace culture is evolving to support parents in creating fulfilling and sustainable careers while being present for their families. Fathers have been perceived historically as having less interest in both career achievement and parenting, however, employers acknowledge parents' of all genders face challenges providing for their families, while simultaneously being involved in their children's day-to-day lives.

Jackson Lewis P.C. · Fatherhood and the Law - Being Present and Maintaining a Presence: Part 2 of 2



## Transcript

### Alitia Faccone:

Welcome to Jackson Lewis's podcast, We Get Work, focused solely on workplace issues. It is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate an engaged, stable and inclusive workforce. Our podcast identifies issues that influence and impact the workplace, and its continuing evolution and helps answer the question on every employer's mind. How will my business be impacted? A more inclusive workplace culture is evolving to support parents in creating fulfilling and sustainable careers while being present for their families. Fathers have been perceived historically as having less interest in both career achievement and parenting. However, employers acknowledge parents of all genders, face challenges providing for their families while simultaneously being involved in their children's day-to-Day lives. In part one of this two-part episode of We Get Work, four fathers discuss why it's essential to create a safe space for parents to address these issues in the workplace, while providing practical takeaways on what employers can do to help.

In part two of this two-part episode of We Get Work, our four dads discuss the push-pull between work and home life, how employers and parents can openly communicate their needs and what employers can do to boost employee morale.

Our host today are Ron Bell, Chief Legal Officer at Collective Health. Tim Domanick, a principal in the Long Island office of Jackson Lewis. Drew Kozlow of counsel, and Ben Mains, an associate both in the Jackson Lewis, San Francisco office. Ron, the father of fraternal teen twins likes to say that he has survived all parenting stages from, "Dad, can I have that Tonka truck to dad, can I have a car?" When he isn't lawyering, he, his wife, daughter, and son enjoy exploring all the San Francisco Bay Area has to offer.

Tim, a father of two, enjoys spending time with his family and coaches his son's basketball teams. When not navigating businesses through the maze of California employment law, Drew enjoys spending time with his wife and three daughters. And Ben is an enthusiastic backpacker, a requisite for a San Francisco native, and above all, an extremely proud father and husband.

Ron, Tim, Drew, and Ben, the question on everyone's mind today is can parents balance their parental responsibilities while advancing their careers? And how does this impact my business?

**Tim Domanick:**

All right, so Ben's got designated data hours in the afternoon, which I think is a great idea. Drew, you have your own designated physical space, which we all know sometimes the kids invade. That's what kids do. And Ron, you got Yoda, which is not exactly Canon, but that's okay. I'll leave it. That's fine. But look, when we talk about balance, it's that push-pull between work life and home life. So I think all of your suggestions are great, but for any of our listeners, what would you think... Any one of you, this whole idea of balancing parental responsibilities and maybe you know what? Growing our careers maybe for advancement, maybe bringing in more business. I mean, that's I think a different type of push-pull because those tend to be different types of hours. So Ben, how do you often approach that type of issue? Because obviously you're a house full of lawyers, so what would you suggest?

**Ben Mains:**

Yeah, I mean, it's the kind of thing where in terms of growing one's business, it's like we just started preschool, so here are 30 additional families that I can network with if I want to network with it. It's just a matter of finding the opportunities when I can. And more of that overlap between what otherwise would maybe be different spheres, kind of bringing them together.

**Tim Domanick:**

And Ron, I mean, obviously from your perspective, what do you have to say as far as a suggestion about more junior attorneys that are coming out? That they're trying to build their practice, they're trying to have it all right, right? They're also trying to be parents at the same time. You're on the other side, your kids are in college, you did your job, congratulations. I mean, what tips and pointers would you give for somebody with more junior children?

**Ron Bell:**

Well, I think you can have it both. And I think increasingly people do. I mean, as represented on this podcast. I mean, the reality is hybrid work means you're partly at home and you're partly at work all the time, right? Or at least the times that you're doing that. So I think it's about being clear with the employer about what your other commitments are. And as Ben was saying, finding ways to use that to your advantage, going to the school play or the picnic or the social event is a great way to network and meet people and to bring some of the advantages of that back. It doesn't necessarily play out overnight, but it plays out over time. The second thing is, I think as we become leaders in our firms and in our companies, really making a path and recognizing that for the next generation.

I always with my people, just say, "Let me know your commitments. Let me know what's going on. I'm very flexible. As long as you can get your work done, I'm good with that. Just find it." And we celebrate that and we regularly post, we have a Friday note that goes out on Slack, post pictures of your kids, your pets, your whatever, your outside life, and everybody chips in. And so it creates that sense of a shared community and of being part of something which makes it safe, I think. To the point that was raised earlier, I can't remember who raised it. It makes it safe to say I'm a parent and I'm a lawyer or a legal professional. I do both, right.

**Tim Domanick:**

Yeah. Actually, that's a great point. The fact that your employer actually celebrates that and you have inclusivity for everybody that way everybody on your team is more fully formed person versus, yeah, that's just the lawyer who's supposed to just sit there and bill, bill, bill, bill, bill. Drew, you mentioned that you have your own designated workspace. I do as well at home. Well, it was the communal office, but then COVID hit and it kind of became my home office, which I guess, really, right? I needed a spot in the house where I can hang up all my band posters without my wife yelling at me. But from your perspective, this whole idea of look, trying to juggle and trying to do everything. I mean, if you're either working in the office or you're working in your home office, what tips do you have as far as networking? I mean, Ben's talking about hitting up all the parenting groups, which is a great idea. You also spend your time as a soccer coach. So has that helped at all?

**Drew Kozlow:**

Help? I don't know, but it makes it more enjoyable. Definitely the legal work when you're able to find an outlet. But in terms of actual networking, I think that unfortunately there are times where if it's going to be a... I might miss an event, a networking event. I work in San Francisco, but I live in the East Bay, and if it means coming back in on a night where somebody's got a game or a performance, I may not be able to make that networking event. So there is just kind of a cause benefit that you got to do, but at the same time, there's plenty of opportunities short of that where you can make phone calls, connect with people on video calls, or there's also been times where, unfortunately, where you got to do work, you take a trip. And I'm lucky to be married to another saint, my wife, and she does a wonderful job and she's understanding. But again, it's that striving for the balance, but there's never a true balance. So there's a give and take.

**Tim Domanick:**

That's good. All of our spouses will be very happy when they hear the recording, obviously. But look, yeah, I understand exactly what you're saying. Sometimes you have to make a tough choice, right? Until we bend space and time, we can't be in two places at once, right? There's a networking event that I would've loved to have gone to tonight. However, I have to coach my kids' basketball team at 8:15. I can't do both. So I made a commitment. So from a home perspective, so after working today, I'm going to go shoot over there. But Ben, from your perspective, the idea of making tough choices and balance. Balance has come up a number of time, right? I mean, can you think of any type of a situation where you've had to make that tough choice as far as favoring work versus home or vice versa?

**Ben Mains:**

It's interesting because I don't really think of it as that being the tough choice. The tough choice is squeezing in time for myself. I'm either always one or the other. I'm always in work mode or I'm in dad mode. And the idea of making sure that we as parents put aside a little bit of time for ourselves so that our cups don't run out, and then we're not doing as good enough job being focused on our jobs or on our families and forcing myself to do that, to say, well, yeah, there's work that I could be doing. Yeah, I could do something with my kids or whatever.

But saying, I need... The tough choices, I need something for me right now. And my wife and I talk about this a lot because again, we're always constantly going back and forth between those two hats. And the struggle is finding... Having the grace and the faith in yourself to put aside that time. And I don't do a great job at that. I definitely am a burn the candle at both ends type of person, and I've always been that way. And so having folks in your life who can remind you to take a few minutes to really prioritize your own wellbeing is something that I think gets overlooked far too often.

**Tim Domanick:**

That is an absolutely perfect point. I mean, look, yeah, you can't pour from an empty cup, right? And this is a universal problem or an issue for any parent, father, mother, whatever. It doesn't matter, right? Especially when you have younger kids or kids that have special needs, right? You're more involved. There's more time that you have to spend doing that. And then, yeah, from my own experience, I can tell you that I struggle with that... Oh, I don't know, seven days a week because same thing. I'm in work mode, I'm in dad mode, and then maybe I can bang out and grab five, six hours of sleep if I'm lucky, and then the whole day starts all over again. But that's an interesting point. Ron, this idea of, look, you also have to take time for yourself, make sure that you take a break and become a more fully formed person in that respect. I mean, I want you to tell me that it gets easier as the kids get older. So if you're going to lie to me, just wink, we won't pick that up on the podcast. But is there anything else, any suggestions that you would have from that perspective?

**Ron Bell:**

Tim, it gets easier as the kids get older. There we go.

**Tim Domanick:**

Good. For the record, he's not blinking.

**Ron Bell:**

I'm not blinking. I'm not blinking, but I'm thinking about it. No. I mean, I think the needs change, right? I mean, the teens don't want to spend as much time. I remember when they were younger, it was like I'd come home from work, those were the days when we actually went to the office every day and they would all come running. It was like this big event, and now they show less interest than the cat does, right? So that's part of getting older and getting ready to leave the nest. But what they do need is that quality time, right? They need that time when there's a big event or there's a big test or there's something they need to talk about, they need to know that I'm going to be there and I'm going to make that time for them. So I have more me time than I used to have, but I find that it's all the more important when it's kid time, when it's family time to be fully engaged, right? Like my son will sometimes say, "Dad, you need to take a phone break."

Just take the phone. He'll take it away. And he puts it somewhere, right? I don't know where it goes. Hopefully, I find it before the night is over. But it's nice to have those reminders, but it's more important... To me, when we talk about so-called work-life balance, I hate the word because it puts so much pressure on all of us. I've got to have fun me time, I've got to have family time. It's all got to be a hundred percent, and I have no hours in the day. And no, it's about finding quality time to do the things that we need to on a consistent basis. So for me, I just happen to be an early riser. I'm up well before the family every single day, and that's my time to do whatever it is that I want to do, whether it's meditation or whatever else. I'm going to use that time for me, and they don't even know because it's seamless, right? And I have that opportunity to do it. But it's a matter of being engaged when you need to be engaged. When they're younger, it's certainly much more frequent. Or if they have special needs, it's certainly much more frequent. As they get older, their needs are going to shift and your approach and your relationship with them shift as well.

**Tim Domanick:**

Yeah, I mean, look, this idea of you can't have one foot in one foot out, right? You can't be the one at the school play when you're also checking your email at the same time, right? That's true. You have to be a hundred percent present whether you're at work or you're at home with your family. When you're at... When it's family time, you're supposed to be present. That's the way it's supposed to work. I do like the idea of a phone break. I might have to initiate that in my house, because I'm probably the largest offender. But Drew, as far as... Removing some of the stigmas, right? What have you seen as far as going from a large event at your home, personal life versus work? I mean, any issues there?

**Drew Kozlow:**

I mean, I think stigma is another loaded word, but I definitely think there's been

a change in how people's obligations are viewed from an employer standpoint. But really what I am really happy to hear about on this podcast and what's being discussed, and I think it's great for employers to be aware of this, is that, we're relatively similarly situated guys here, however, we've got massively different experiences. And so if we've got that kind of differentiation among this group, employers need to be aware of how different their workforce is from employee to employee and being aware of that and not making assumptions, not thinking certain things that maybe... Again, the stigma of the past is, "Hey, when you're here, you're mine. Do whatever you want to do on your own time." It doesn't really work that way anymore. And so employers need to be aware that the employees are going to expect that, listen, I'm not leaving everything at the door when I'm here at the office, I'm bringing stuff with me and everybody's bringing in a different bag.

And the more employers are aware of that... And I've seen it across the board, especially post pandemic, that having that understanding. Again, it's a two-way street. The employee needs to be keeping up their end of the bargain, but the employer having that understanding, having that knowledge that they're bringing... Who knows what they're bringing to the table that day is valuable not just for morale, but retention and just overall success of the organization. So that is one thing I've seen change, and I think it's great. And then the more employers can stay on top of that and be aware of that, I think it benefits any organization moving forward.

**Tim Domanick:**

Yeah, I mean, you talk about expectations. I mean, that's an important topic as well, right? I mean, I'm an open book with anybody that I work with either in-

**Drew Kozlow:**

Oh, no, you're not.

**Tim Domanick:**

No, come on now. You haven't picked it up throughout this podcast? But yeah, I mean, look, anybody I work with here at the firm, or even in my adversaries or some of my clients especially, they know what's going on. So it'll be like, where on the map is Tim for the week? And hey, just because I'm in a different state doesn't mean I can't provide legal advice or I can't help out. And I think that goes hand in hand with the idea of flexibility, right? Yeah. You know what? The firm has helped me out in my unique situation, but I've also bent and I've helped them out. I'm working in situations where I think many people wouldn't necessarily want to be working, but it happens. It's the reality of it, right?

But you started talking about what employers can do generally, right? Obviously, I think we've uncovered a number of concerns here that a practicing father will have, trying to do it all, trying to create some type of a semblance of a work-life balance, even though everybody hates that phrase. And also just trying to have employee retention and things like that. Drew gave a couple of tips. Ben, from your perspective, what are some things that employers can try to do to ease some



of these concerns?

**Ben Mains:**

I think... Again, it comes back to support long-term. We understand from a fee hop perspective that pregnancy is a disability that requires a lot of support from an employer. But I think that once the kids are born and the kids start growing, there's kind of this step away from the same sort of formal support that young families get. And I don't know what that really looks like if it just stays sort of an informal in the background. We get you, we support you, we're here for you. But if there are ways to develop more formal practices or more... We were talking about... I don't remember if it was you, Tim or Ron, talking about a stipend versus childcare availability. I think those are great options, not just saying, we're here for you if you need us, but taking the affirmative step of saying, this is what we cannot... This is what we do offer. Just like some firms... I don't know why this popped into my head, but pet insurance, certain company insurance plans will offer that as an option because they know that that's definitely a criteria for some families. So I don't know how that would necessarily translate into help for families, but I think it's something to consider.

**Tim Domanick:**

The pet insurance idea is good. I mean, we all got to meet each other's pets during the pandemic, right? Because dogs and cats or whatever you have in your house will ultimately come in through the background. I mean, plenty of people met my dog. But look, you mentioned an important topic, which is like, look, employers may be doing more, right? Sometimes I think employers fall into the trap of, all right, what does the law say? What's the bare minimum? What do I need to do? All right. We all know the idea of, oh, if someone is giving birth, okay, what are our obligations under the FMLA, ADA, applicable states rights, law and everything else like that. We get that, right? That's the bare minimum, right? But employee expectations are changing, and I think everybody has kind of mentioned that to one degree or another. So Ron, you are a people leader, which is a great phrase, which I'm definitely going to steal and use. For you, what are some of the things that you've seen from a practical standpoint to try to get people engaged and to kind of explain what an employer may offer to try and support, provide retention issues, things like that?

**Ron Bell:**

Well, as we were saying earlier, it's really knowing your people and their situations, being receptive, asking, how are you... Start your one-on-ones. How are you doing, right? How are things going? Ask them, how did your child's event go? Show that it's important to you that they're engaged in other ways. The other part is of course, the programs you were mentioning everything like the wellness programs, childcare assistance, onsite childcare, but those things change as you were pointing out, Tim, as the child ages. So for someone in my situation, if we could go back in time, it would've been nice to have, "Hey, employees, here's some financial information from a third party vendor on how to plan for college." Right? Or college alternatives for your children. Because that's going to be something that whether we as an employer are directly involved in, is something

that's on your mind. It's part of your economic life as well as your family life, and maybe there's opportunities to find clients of the firm or others who might be willing to come in, even on an economic basis to present those opportunities, right?

It's receptivity, it's engagement. And then as Ben was saying, it's being proactive, right? It's really hard for people, I think, especially in the workplace to say, "This is what I need. I need something from you." Because there's always that perception, I think that that's a sign of weakness, right? I need something. And it isn't, right? So because it isn't, being proactive and going out to them and saying, "Would it help if we X, Y, Z, or we've identified a need in this office for [inaudible 00:20:15], right? Would you like us to help you with those simple things like carpooling, right?" Or setting up an employee resource group as we do here at Collective Health where parents or other like-minded folks can get together and just exchange ideas about, where can I find a good babysitter, right? It's recognizing that we're in an environment where not only do employees expect more, but the work life between the office and home has blurred. So it's not work and it's not home. It's more wome now and embracing what that means for you as an employer.

**Tim Domanick:**

You are all about just cool phrases that I definitely want to take. Look. No, that's a great point. This idea of... Yeah, you know what? Maybe as an employer, we need to start thinking about things a little bit differently, right? Providing different type of maybe topics or speakers or different types of programs that our employees can take advantage of and depends upon the station of life. I mean, Ben gave the example about pet insurance. You're talking about other aspects as well. That's important. One thing that I would think about is look, if you're going to start providing different types of programs and things like that, maybe one example would just be, let's avoid certain stereotypes. For example, it's this issue of, well, maybe one of our employees is a single parent, right? We need to address that. Fathers can be single parents as well, so let's make sure that we're being inclusive. So Drew, for purposes of that type of idea of providing services or programs or anything else like that, what tips would you give any type of employer as far as trying to avoid the stereotypical gender stereotypes?

**Drew Kozlow:**

I think all of the points you just said are important, that there are a variety of programs that are available to employers that they can provide. And again, to Ron's point, it really is bringing it to them because I think there would be a hesitation to come forward sometimes how it's going to be viewed in the workplace, how's it going to be received? So things like leave options, things like third party benefits programs, things like that really can be helpful to know the employee that you're there for them, you're here to support them and whatever their situation is. Because as you mentioned, Tim, it can be... Parenting takes all forms, and then there's not just parenting. There's a whole bunch of family situations that can be affected. So just being proactive, I think is the name of the game there. And coming to the employees, let them know you're there for them.



Here's some options, and we understand that... Again, as I mentioned earlier, you're not just checking your life at the door when you come here.

**Tim Domanick:**

That's a good point as well. Just talking about just being flexible and providing other types of programs. I mean, Ron, you mentioned about parents coming forward and saying, "Oh, I need help with this," and is that a sign of weakness? Me personally, I think that's more of a sign of strength, because that shows that the person's more engaged. That's the type of employee that you want to ultimately keep. But look, as far as moving towards this, wrapping this type of situation up, Ron, final thoughts on just the overall topic. What do you think?

**Ron Bell:**

This is important. I mean, I'm glad we're taking the time out to talk about it. We don't talk often enough about these types of topics, especially in the law. And I know this is a really hardworking group. Because it took us... If we're honest, it took us a while to schedule this podcast and reschedule it because everyone was so busy, because we do have other commitments. So I think there's growing awareness out there that employers need to do more and that employees expect more, and I think it's great that we're able to have this kind of public dialogue that hopefully helps some folks and makes them think.

**Tim Domanick:**

Absolutely. Ben, what do you think? Final closing thoughts.

**Ben Mains:**

I agree with everything Ron said, and I hope I'm just as great of a dad as he is someday.

**Tim Domanick:**

Well, that's very nice. Now we're all patting each other on the back. That's great. Drew, what do we think? Your final thoughts.

**Drew Kozlow:**

Again, just to echo Ron and Ben's point, I think it is great that we're having the discussion. I am very pleased to see how we've emerged from the pandemic in this regard. I think it is one thing we're able to take from it as a positive and moving forward, being aware of people's life situations in the workplace, not only benefits the folks on this call, but benefits everyone.

**Tim Domanick:**

Look, that's also a good point. I mean, look, from my perspective, I think that this is a topic that doesn't get spoken about enough. I'm glad that maybe we're starting that dialogue here now, which I think is great. So obviously, thank you to Jackson Lewis for putting this together. Ben, Drew, Ron, thank you for your time. I mean, it is an important topic. Look, in our jobs, we're helping HR professionals and other people leaders shape the current workforce, right? But

then when we're home, we are shaping and molding the potential future workforce with our own kids. So that's an important topic as well. So thank you all very much for your time today. This was great.

**Alitia Faccone:**

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