Press Releases

House Approves Legislation to Give Working Families More Flexibility

WASHINGTON, D.C. | May 8, 2013 -
The U.S. House of Representatives today approved the Working Families Flexibility Act of 2013 (H.R. 1406), legislation that will help more Americans balance the needs of family and work. Sponsored by Representative Martha Roby (R-AL), this commonsense proposal would allow private-sector employers to offer employees the opportunity to accrue paid time off or ‘comp time’ for working overtime hours.

"No worker should be denied time with family because of some outdated federal law," said Education and the Workforce Committee Chairman John Kline (R-MN). "Workers in the private-sector deserve the same choice and flexibility enjoyed for decades in the public-sector. This legislation won't solve all the challenges Americans face, but it will help make life a little easier for those struggling to balance the demands of family and work. I urge our Senate colleagues to join this effort and help send this commonsense proposal to the president's desk."

"I am proud to champion the Working Families Flexibility Act on behalf of working moms and dads across the country," said Rep. Roby. "Our message to the American people is this: We want to get Washington out of the way of how you use your time. Talk to just about any working mom and dad and they'll tell you they need more time. They need just one more hour in the day to be able to take care of responsibilities and make life work. We can't legislate another hour in the day, but we can help working Americans better balance their time by removing unnecessary federal restrictions on comp time in the private sector."

"In order to have a healthy economy, we need to remove barriers that deny parents flexibility that fosters success at home and work," said Workforce Protections Subcommittee Chairman Tim Walberg (R-MI). "By giving working families and employers the voluntary flexibility to rearrange work schedules, we are letting them do what is best for their family. We're giving them the freedom to take a sick child to the doctor, spend time with family, or collect overtime wages."

As approved by the House, H.R. 1406 will:

- Allow employers to offer employees a choice between cash wages and accruing comp time for overtime hours worked. Employees who want to receive cash wages would continue to do so. No employee can be forced to take comp time instead of receiving overtime pay.

- Protect employees by requiring the employer and the employee to complete a written agreement to use comp time, entered into knowingly and voluntarily by the employee. Where the employee is represented by a union, the agreement to take comp time must be part of the collective bargaining agreement negotiated between the union and the employer.

- Retain all existing employee protections in current law, including the 40 hour work week and how overtime compensation is accrued. The bill adds additional safeguards for workers to ensure the choice and use of comp time are truly voluntary.

- Allow employees to accrue up to 180 hours of comp time each year. An employer would be required to pay cash wages for any unused time at the end of the year. Workers are free to 'cash out' their accrued comp time whenever they choose to do so.

- Require the nonpartisan Government Accountability Office to report to Congress on the extent private-sector employers and employees are using comp time, as well as the number of complaints filed with and enforcement actions taken by the U.S. Department of Labor (Amendment offered by Rep. Chris Gibson (R-NY) adopted by a vote of 384-42)

To learn more about the Working Families Flexibility Act, visit edworkforce.house.gov/YourTime

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Fact Sheets


WASHINGTON, D.C. | April 8, 2013 -

THE PROBLEM:
For many Americans, balancing the demands of family and the workplace can be difficult. State and local government employees have long been able to choose paid time off as compensation for working overtime hours, allowing these public-sector employees greater flexibility to meet family obligations. However, the federal government prohibits private-sector workers from enjoying this same benefit. An outdated federal law has become an impediment to employers who want to help employees manage work and family responsibilities.

THE SOLUTION:
To remove this obstacle in federal law, Representative Martha Roby (R-AL) introduced the Working Families Flexibility Act of 2013. The legislation would amend the Fair Labor Standards Act of 1938 to allow employers to offer private-sector employees the choice of paid time off in lieu of cash wages for overtime hours worked. It is pro-family, pro-worker legislation that gives workers the flexibility to spend time with family, attend teacher conferences, care for aging parents, stay home with a newborn, or attend to other family needs that may arise.

H.R. 1406 - THE WORKING FAMILIES FLEXIBILITY ACT OF 2013:

- Allows employers to offer employees a choice between cash wages and comp time for overtime hours worked. Employees who want to receive cash wages would continue to do so. No employee can be forced to take comp time instead of receiving overtime pay.

- Protects employees by requiring the employer and the employee to complete a written agreement to use comp time, entered into knowingly and voluntarily by the employee. Where the employee is represented by a union, the agreement to take comp time must be part of the collective bargaining agreement negotiated between the union and the employer.

- Retains all existing employee protections in current law, including the 40 hour work week and how overtime compensation is accrued. The bill adds additional safeguards for workers to ensure the choice and use of comp time are truly voluntary.

- Allows employees to accrue up to 160 hours of comp time each year. An employer would be required to pay cash wages for any unused time at the end of the year. Workers are free to ‘cash out’ their accrued comp time whenever they choose to do so.

The Working Families Flexibility Act is commonsense legislation that will help American workers better balance the needs of family and the workplace.

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THEN VS. NOW
OUR WORKFORCE HAS CHANGED...

MORE FAMILIES
HAVE BOTH
PARENTS WORKING

1975 37%

2011 59%

MORE MOMS HAVE
JOINED
THE WORKFORCE

1975 19%

2011 71%

8.5 MILLION
WORKERS ARE
SINGLE PARENTS

57% OF MILITARY
SPOUSES ARE
PART OF
THE WORKFORCE

1 IN 3
UNDERGRADS
WORK
FULL TIME

IT'S TIME FOR THE LAW
TO CHANGE, TOO.

THE WORKING FAMILIES FLEXIBILITY ACT OF 2013

edworkforce.house.gov/YourTime  #YourTime

Due to these changes, many are eager for more flexibility in the workplace. However, the Fair Labor Standards Act of 1938 prevents private-sector workers from choosing paid time off as compensation for overtime hours worked – denying these workers the flexibility public-sector employees have enjoyed for decades. To help workers better balance family and career, House Republicans are advancing the Working Families Flexibility Act of 2013 (H.R. 1406). This pro-family, pro-worker legislation will remove an outdated barrier in federal law and empower Americans with more choice and flexibility in the workplace.

To learn more, visit edworkforce.house.gov/YourTime.

April 16, 2013

Chairman John Kline (R-MN)  
Committee on Education and the Workforce  
2181 Rayburn House Office Building  
Washington, D.C. 20515

Ranking Member George Miller (D-CA)  
Committee on Education and the Workforce  
2101 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Kline and Ranking Member Miller:

The undersigned organizations write in strong support of H.R. 1406, the Working Families Flexibility Act of 2013 and urge the Committee on Education and the Workforce to advance this legislation to the full House of Representatives.

Today, employees face significant challenges as they negotiate work, family and personal obligations. As a result, employers are increasingly interested in offering workplace flexibility options to help employees address their work-life needs. Unfortunately, rigid, out of date, wage and hour laws currently prohibit private sector employers from offering non-exempt employees the option of paid time off in lieu of overtime payments, even though this option has existed in the public sector for more than 25 years. H.R. 1406 would simply extend to the private sector a benefit that has long been enjoyed by government employees.

The Working Families Flexibility Act would allow employers to offer employees the voluntary choice of taking overtime in cash payments, as they do today, or in the form of paid time off from work. Providing this comp time option would allow employees the opportunity to build a bank of time that they can use to take paid time off when they need it, provided the time off does not unduly disrupt the business operations of the employer.

The bill also includes numerous employee protections for workers who choose to participate in a comp time program. Employees who reconsider and decide that they prefer to receive their overtime compensation in cash can have their hours converted to a payment whenever they wish, and any banked comp time hours not used at the end of the year are automatically paid out to the employee in cash.

Now, more than ever, employees seek greater control over their time. The Working Families Flexibility Act would give employees more control over their time by giving them the option of paid time off in lieu of overtime payments. At the hearing in the Subcommittee on Workforce Protections on April 11, both employers and employees made clear that they wish comp time, which is frequently used in the public sector, was available for the private sector as well.
We urge you to support H.R.1406 to give employers and employees another workplace flexibility option.

Sincerely,

American Hotel & Lodging Association
Associated Builders and Contractors
Associated General Contractors
College and University Professional Association for Human Resources
Food Marketing Institute
Independent Electrical Contractors
International Foodservice Distributors Association
International Franchise Association
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Council of Chain Restaurants
National Federation of Independent Business
National Retail Federation
National Roofing Contractors Association
Printing Industries of America
Retail Industry Leaders Association
Society for Human Resource Management
U.S. Chamber of Commerce

CC: Members of the Committee on Education and the Workforce