

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2262
OFFERED BY MRS. MILLER OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Flexibility for Workers
3 Education Act”.

**4 SEC. 2. TREATMENT OF ATTENDANCE OR PARTICIPATION
5 IN CERTAIN ACTIVITIES.**

6 (a) IN GENERAL.—Section 3(o) of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 203(o)) is amended to
8 read as follows:

9 “(o) HOURS WORKED.—In determining for the pur-
10 poses of sections 6 and 7 the hours for which an employee
11 is employed, there shall be excluded—

12 “(1) any time spent in changing clothes or
13 washing at the beginning or end of each workday
14 which was excluded from measured working time
15 during the week involved by the express terms of or
16 by custom or practice under a bona fide collective-
17 bargaining agreement applicable to the particular
18 employee; and

1 “(2) any time spent attending or participating
2 in an education or training program or a similar ac-
3 tivity (such as a lecture), regardless of whether the
4 program or activity is offered or facilitated by the
5 employer, provided that—

6 “(A) such attendance or participation oc-
7 curs outside of the employee’s regular working
8 hours;

9 “(B) such attendance or participation is
10 voluntary, and the employer does not take ad-
11 verse action against the employee on the basis
12 that such employee does not so attend or par-
13 ticipate; and

14 “(C) the employee does not perform any
15 work for the employer during such attendance
16 or participation.”.

17 (b) **EFFECTIVE DATE.**—The amendment made by
18 subsection (a) shall apply with respect to hours worked
19 on or after the date of enactment of this Act.

