
MYTH VS. FACT: WORKING FAMILIES FLEXIBILITY ACT OF 2017

Myth: H.R. 1180 will result in employees working longer hours for less pay.

Fact: The Working Families Flexibility Act safeguards workers' time and wages.

- Receiving paid time off or 'comp time' for working overtime hours is completely voluntary. An employee who prefers to receive cash payment for overtime hours worked is always free to do so.
- Employers and employees are required to complete a written comp time agreement. An employee can withdraw from this agreement at any time and receive cash wages for accrued comp time.
- Comp time is accrued at the same rate as overtime cash wages. Employees who work more than 40 hours a week will accrue paid time off at a rate of time-and-a-half for overtime hours worked.
- Workers can cash out their accrued comp time whenever they choose. Employers are required to provide cash wages within 30 days of receiving an employee request.

Myth: H.R. 1180 will allow employers to control when workers use their comp time.

Fact: The Working Families Flexibility Act protects employees' use of the comp time they've earned.

- The *Working Families Flexibility Act* allows workers to use their comp time whenever they choose as long as they provide reasonable notice and the leave is not overly disruptive.
- The 'unduly disrupt' provision included in H.R. 1180 is the same standard used today for public employees receiving comp time, which has worked well for over 30 years.
- All existing enforcement remedies — including action by the Department of Labor — are available if a worker believes he or she has been unfairly treated.
- The *Working Families Flexibility Act* will promote greater workplace flexibility for employees while protecting the business needs of employers.

Myth: H.R. 1180 will allow employers to force workers to take comp time.

Fact: The Working Families Flexibility Act prohibits worker coercion.

- The decision to use comp time is completely voluntary. An employee who prefers to receive cash payment for overtime hours worked is always free to do so.
- H.R. 1180 explicitly prohibits an employer from "directly or indirectly intimidating, threatening, or coercing or attempting to intimidate, threaten, or coerce an employee" into taking or not taking comp time.
- An employer who violates these anti-coercion provisions will be liable to the affected employee for 'double damages,' which includes both the amount of comp time owed and an equal amount in cash wages.
- In addition to new provisions prohibiting coercion, H.R. 1180 ensures all existing enforcement remedies — including action by the Department of Labor — are available to workers if an employer fails to pay cash wages for overtime hours worked.

Myth: This bill is unnecessary because current law already allows for workplace flexibility.

Fact: The Working Families Flexibility Act empowers workers with more options.

- Under the *Fair Labor Standards Act of 1938*, private-sector employees may only use paid time off during the same pay period in which it is accrued. Paid time off cannot be saved by the employee for future use outside the pay period.
- The law currently allows public-sector employees to accrue comp time to be used at their discretion so long as reasonable notice is given and the leave does not unduly disrupt the workplace.
- H.R. 1180 provides private-sector employees with comp time benefits similar to those of public employees.