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## **WORKING FAMILIES FLEXIBILITY ACT OF 2017**

**BACKGROUND:** The American workforce has transformed dramatically over the years and the needs of workers in the 21st century have changed as well. Millennials now represent the majority of the workforce, and many young Americans work full time while pursuing a college degree. Additionally, more single moms and dads are in the workforce. And more kids are raised in households where both parents work.

With these changes, Americans are demanding more flexibility in the workplace. In fact, 85 percent of employees say workplace flexibility is important when considering a new job. Unfortunately, an outdated federal law has become a barrier to workers who want more freedom to balance work and personal obligations. State and local government employees have long been able to choose paid time off as compensation for working overtime hours. However, the federal government prohibits private-sector workers from enjoying this same benefit.

To modernize the law and better meet the needs of the 21st century workforce, Representative Martha Roby (R-AL) introduced the *Working Families Flexibility Act* (H.R. 1180). The legislation would amend the *Fair Labor Standards Act of 1938* to allow private-sector employers to offer employees the choice of paid time off in lieu of cash wages for overtime hours worked. It is a pro-family, pro-worker proposal 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 personal needs that may arise.

### **WORKING FAMILIES FLEXIBILITY ACT:**

- **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 cash wages.
- **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 workweek** 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 at the overtime rate of time-and-a-half 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.