



H.R. 1180 – “Working Families Flexibility Act of 2017”

H.R. 1180, the so-called *Working Families Flexibility Act*, gives workers less time, less flexibility, and less pay.

- Workers’ overtime rights have already been severely diminished because the Department of Labor’s 2016 update to the overtime salary threshold did not go into effect. H.R. 1180 further weakens overtime rights at a time when most workers are not receiving a fair share of the wealth they create.
- Instead of paying workers for their overtime work, H.R. 1180 allows employers to pocket employees’ overtime pay (one and one-half hours of paid time off for every overtime hour worked) —with the vague promise that employees *may* be able to take compensatory time off at some point in the future.
- The voluntariness of H.R. 1180’s comp time arrangement does not change the reality that given the power imbalance between employers and employees, many employees may feel compelled to forfeit their overtime pay and accept comp time instead.
- The Fair Labor Standards Act (FLSA) is the original family-friendly workplace law—it disincentives employers from forcing employees to work excessive hours.
- H.R. 1180 undermines the FLSA by incentivizing employers to encourage workers to spend more time away from their families to earn more time with their families in the future—since paying comp time is cheaper than paying overtime.

H.R. 1180 creates new rights for employers, but there is nothing in it for workers.

- H.R. 1180 is part of the Majority’s ongoing attack on workers’ retirement security, health care benefits, health and safety protections and paychecks.
- H.R. 1180 gives employers the right to negotiate with their employees to delay their paychecks, to permit the use of comp time only at the employer’s discretion and to discontinue the comp time program with 30 days’ notice.
- Employees would be far better off getting paid time-and-a-half for their overtime hours and putting that money in the bank where it can earn interest, rather than having their paychecks withheld indefinitely.
- Employees cannot count on being able to use this time when they need it – e.g.- when they are sick, when a child is sick or when they have education obligations.
- Litigation in the public sector over when comp time may be used makes very clear that employers control when an employee takes comp time.
- Employers can already provide paid time off as well as flexible and predictable schedules to employees. These benefits are entirely permissible under the FLSA.

Democrats have real solutions that would strengthen our wage and hour laws rather than weaken them, but the Republicans have failed to support these responsible policies.

- Passing the Healthy Families Act, Schedules that Work Act and Family and Medical Insurance Leave Act would provide families with paid time off from work and fair schedules without forcing workers to forfeit overtime pay or work excessive hours to spend time with their families.
- Raising the salary threshold under which workers automatically qualify for overtime pay would strengthen overtime protections and help prevent wage theft, ensuring that workers are paid for every extra hour they work.
- Raising the federal minimum wage and passing the Paycheck Fairness Act would give workers a long overdue raise and help achieve equal pay.
- Passing the Workplace Action for a Growing Economy Act would make it possible for more workers to bargain for higher pay and benefits such as sick leave and predictable schedules.