

To the Members of the House Education and Workforce Committee:

The undersigned organizations write to urge your support of the Working Families Flexibility Act (H.R. 2870), which would modernize the Fair Labor Standards Act (FLSA) and give workers increased agency over their work and lives.

The Working Families Flexibility Act would allow employers to offer employees the choice of receiving their overtime pay either traditionally, through additional regular compensation in their next paycheck, or as paid time off (“comp time”) to use at a later date. This flexibility allows employees to choose what best suits their personal circumstances while still receiving full compensation for the hours worked at the premium overtime pay rate. The bill also protects employees who opt for comp time, ensuring they can convert payments to comp time whenever they choose and obtain any unused comp time as cash payments at the end of the year. These provisions guarantee that workers always receive the full value of their overtime earnings.

Workers consistently indicate their desire for more flexibility in their work, yet federal wage and hour laws currently prohibit private sector employers from offering the choice of overtime pay as comp time. This rigid and outdated policy no longer reflects the realities of today’s workforce. Moreover, the option of taking comp time has successfully existed in the public sector for decades. Providing the option of banking overtime as future paid leave in the private sector would give those workers the flexibility needed to care for loved ones, attend the activities of their children, and manage their own health and wellbeing. In a time of rapid economic change and evolving workforce preferences, the Working Families Flexibility Act would better accommodate the needs of the 21st-century workforce.

The Working Families Flexibility Act is a much-needed step towards modernizing the FLSA and better accommodating the needs and preferences of today’s workers. We urge you to support this legislation.