
Working Families Flexibility Act

For many individuals, especially working parents, time is more valuable than money. Sadly, under current law, the *only* option available to private-sector employees who work overtime is to receive monetary compensation at 1½ times their normal pay. In 1978, Congress passed the “Federal Employee Flexible and Compressed Work Schedule Act”¹ providing Federal, State, and local governments the ability to give their employees a choice between overtime pay *or* paid time off for working overtime hours. This legal disparity unfairly discriminates against private-sector employees and impedes those employers who want to offer their employees this flexibility to balance work and family obligations.

The Covid-19 pandemic resulted in unexpected worker absences due to illness or virus exposure and a more difficult work-life balance for many people, particularly for workers with school-aged children. As many as 29 percent of parents say they are now providing childcare themselves, compared to 23 percent before the pandemic. Consequently, work flexibility has become a greatly valued benefit.² FlexJobs’ 2023 annual survey found that flexible work was the third most important perk for employees when considering a job offer, ahead of health insurance, vacation time, and retirement benefits.³

The Working Families Flexibility Act fixes this disparity by amending the Fair Labor Standards Act of 1938 to provide employers with the necessary flexibility to allow their employees to choose either the traditional overtime pay or paid time off for any overtime hours worked.

Bill Specifics:

- Would amend the Fair Labor Standards Act of 1938 to provide employers with the necessary flexibility to allow their employees to choose either traditional overtime pay or paid time off for any overtime hours worked.

¹ HR 7814, 95th Congress, U.S. House of Representatives Roll Call #377 (288 – 57), signed by President Carter on Sept. 29, 1978. In 1985 Congress passed HR 1534 making the law permanent, 99th Congress, Signed by President Reagan on Dec. 23, 1985. Public Law No: 99-196.

² <https://bipartisanpolicy.org/wp-content/uploads/2021/01/January-2021-Parent-Survey-Webinar.Final-Slides.pdf>

³ <https://www.flexjobs.com/employer-blog/flexjobs-survey-flexible-work-employers/>
