

Oppose the Working Families Flexibility Act (“Comp Time”)

115th Congress: H.R. 1180/S. 801

The misnamed Working Families Flexibility Act (H.R. 1180/S. 801), introduced by Rep. Martha Roby (R – Ala.) and Sen. Mike Lee (R – Utah), would force working people to choose between time-and-a-half overtime pay and paid time off when they work more than 40 hours in a week. This “comp time” proposal would give employers more power over employees’ wages and working hours and undermine workers’ ability to make ends meet, plan for family time, and have predictability, stability and true flexibility at work.

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Key Elements

The Working Families Flexibility Act would:

- ▶ Allow employers to offer comp time in lieu of time-and-a-half pay to non-supervisory (“non-exempt”) workers who work more than 40 hours in a week.
- ▶ Allow a worker to bank up to 160 hours of comp time, but without the guaranteed right to use that time when they need it, even in the case of a personal or family emergency. There would be no remedy for a worker whose request to use comp time is denied, other than requesting the unused time be cashed out.
- ▶ Allow employers to unilaterally decide to pay workers for comp time that has been banked beyond 80 hours, jeopardizing a worker’s careful planning for time off for parental leave or a health event, such as surgery.
- ▶ Allow workers to request their banked comp time be paid out in cash rather than time off, but give employers up to 30 days to comply.
- ▶ Provide workers the right to sue if they are intimidated, threatened or coerced into requesting or not requesting a comp time

“Overtime pay for me was the difference between beans and rice for dinner or having meatloaf... I know that sounds strange but the cost of having a regular phone, paying for electricity and gas to get to and from work means that I must pick and choose... Overtime pay is our only way of trying to catch up. Forget about getting ahead.”

— **Allyson, N.M.** (Courtesy of MomsRising)

agreement, but would not permit a worker to use more cost-effective administrative remedies through the U.S. Department of Labor (DOL).

- ▶ Provide no additional funding to DOL for investigation, enforcement or education, despite adding significant complexities to the Fair Labor Standards Act.

Talking Points and Call Script

Use these key points and script for calls and other communication with Congress. Be sure to note your full name and affiliation (i.e., constituent in a particular state, business leader, professor, organization, etc.) and provide your contact information in all outreach.

TALKING POINTS

- ▶ The badly misnamed Working Families Flexibility Act (H.R. 1180/S. 801) would give workers less flexibility, less time and less pay.
- ▶ People need higher wages and guaranteed access to paid leave – not the pay cut and false promise of time off that H.R. 1180/S. 801 would offer.
- ▶ People living paycheck to paycheck can't afford to loan their bosses their hard-earned overtime pay for months at a time.
- ▶ When working people have the flu or a child gets sick, they need to know they can take a paid sick day – not worry about their bosses denying a comp time request.
- ▶ Too many working people are already forced to manage unpredictable schedules. H.R. 1180/S.801 would give more power to their bosses – letting them decide whether to offer comp time instead of overtime pay, and then letting them have the final say over whether a worker can use the comp time they have banked.
- ▶ Instead of helping working people receive better wages and time away from work, H.R. 1180/S. 801 would create a new right for employers, allowing them to delay paying overtime wages for as long as 13 months.
- ▶ This bill would make it harder for people who need to work extra hours to pay their bills by forcing them to choose between time and money while providing no real guarantee of paid time off.
- ▶ This bill doesn't provide any additional funding for investigations or enforcement of labor violations, despite adding significant new responsibilities to the U.S. Department of Labor (DOL). This is particularly concerning at a time when DOL is facing substantial cuts to its core budget.
- ▶ H.R. 1180/S. 801 would hurt working families. Members of Congress who truly believe in supporting working people with fair wages and paid time off will reject this bill and vote "no."

"[My husband] moved up to a new position and now gets comp time instead of overtime. It definitely made our budget take a big hit."

— Vivian, Okla. (Courtesy of MomsRising)

CONTACTING CONGRESS

Calling the office of your member of Congress is quick and easy and – most important – it is effective. You'll likely speak with a busy staff member, but your call will be counted and reported to your member of Congress. Here are a few things to keep in mind:

- ▶ Be ready to give your name, zip code, and sometimes your full address (to verify that you're a constituent), and a brief message about why you're calling.
- ▶ Contact the Capitol Switchboard at 202-224-3121 and ask the operator to connect you with your representative or senator.
- ▶ Be polite. Thank the staffer for listening and, if you'd like, request a written response.

SAMPLE SCRIPT

- ▶ Hello, my name is _____. I am [note City/State Name if applicable and affiliation].
- ▶ I am calling to ask [Rep. X/Sen. X] to oppose the Working Families Flexibility Act (H.R. 1180/S. 801).
- ▶ The Working Families Flexibility Act would result in a pay cut for people who work more than 40 hours in a week without any guaranteed flexibility or time off. The bill would give employers the final say over a person's ability to take time they've earned.
- ▶ I realize that many companies try to do the right thing for their employees, but I'm worried about what could happen to people whose employers already expect them to work long hours, pay low wages and don't give people control over their schedules.
- ▶ H.R. 1180/S. 801 would give working people less flexibility, less pay and less time. The bill would make it harder for people to get extra hours to make ends meet, and it wouldn't guarantee the paid time off we need to care for our health or our loved ones.
- ▶ I think there are better options – like paid sick days, paid family and medical leave, and fair and predictable schedules – that will actually help working people meet the dual demands of work and family.
- ▶ Please ask [Rep. X/Sen. X] to oppose H.R. 1180/S. 801. Thank you.

Sample Social Media Content

- ▶ The Working Families Flexibility Act would give workers less flexibility and less pay:
npwf.info/2nxxOnY #comptime
#lesstimelesspay
- ▶ People can't afford to loan their bosses their hard-earned overtime pay for months.
Congress: NO on H.R. 1180. #comptime
#lesstimelesspay
- ▶ People need higher wages, #paysickdays and #paidleave – not #lesstimelesspay, as H.R. 1180 offers. npwf.info/2nxxOnY #comptime

“[My husband] husband had an early stroke. He recovered, but it was two years before he earned another penny... I was able to [work overtime]. Without the extra paid hours, we might have had to file for bankruptcy.”

— Anna, Ore. (Courtesy of MomsRising)

- ▶ The Working Families Flexibility Act is an empty promise. We need supports like #paysickdays and #paidleave! #comptime #lesstimelesspay
- ▶ People shouldn't have to worry about a denied #comptime request when they're sick. We need the #HFAnow – not H.R. 1180. #lesstimelesspay
- ▶ The Working Families Flexibility Act would force workers to choose between time and money when they need both. #comptime #lesstimelesspay
- ▶ The Working Families Flexibility Act would erode workers' ability to make ends meet: npwf.info/2nxxOnY #comptime #lesstimelesspay
- ▶ H.R. 1180 would hurt working people. Congress should reject it and support fair wages and #paysickdays instead. #comptime #lesstimelesspay
- ▶ Instead of helping workers, H.R. 1180 would create a new employer right and allow them to delay paying overtime. #comptime #lesstimelesspay
- ▶ H.R. 1180 only pretends to give people time needed to manage job and family. America's families deserve better. #comptime #lesstimelesspay
- ▶ Too many people already manage unpredictable work schedules. H.R. 1180 would give more power to their bosses. #comptime #lesstimelesspay
- ▶ America's workers are not fooled by H.R. 1180. It's an empty promise when more pay and #paysickdays are needed. #comptime #lesstimelesspay



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Email Action Alert and Message to Congress

SAMPLE EMAIL ACTION ALERT

Dear [Supporter],

Legislation that would take money out of the hands of hardworking people like you while giving more power to employers is currently moving through Congress – and we need your help to stop it in its tracks.

The misnamed Working Families Flexibility Act (H.R. 1180/S. 801) is touted as a proposal that would help workers by allowing them to bank overtime hours instead of receiving pay. In reality, it would result in a pay cut without any guarantee of time off.

For example: Under the bill, you could work extra hours and sacrifice time with your family to accrue leave for an upcoming surgery, but your employer has the right to deny your request no matter how much extra time you worked and saved.

Does that sound like a policy that would help you and your family, especially when inevitable health and medical needs arise? We don't think so either.

Tell your members of Congress that a vote for the smoke-and-mirrors proposal known as the Working Families Flexibility Act is a vote against working families. Tell them to vote NO on H.R.1180/S. 801.

With your help, [Organization Name] is pushing for federal laws that would actually help working families, such as [choose: the Healthy Families Act, to establish a paid sick days standard; the FAMILY Act, to create a paid family and medical leave program; the Schedules That Work Act, to promote fair and predictable schedules, etc.]. Tell your lawmakers right now that we need truly fair and family friendly policies – not ones that would do more harm than good.

Thanks for all you do,

[Name]

EMAIL TO CONGRESS

Dear [Rep. X/Sen. 801],

I hope you'll stand up for working people and families by voting against the Working Families Flexibility Act (H.R. 1180/S. 801), which would erode longstanding overtime protections and create a “comp time” law that would offer hardworking people a false choice between time off and money.

The Working Families Flexibility Act would result in a pay cut for working people without any guaranteed flexibility or time off – even when they need to address an emergency – because, ultimately, workers’ ability to take the time they’ve earned is left to the sole discretion of their employers.

If you truly want to help working families, you will support federal proposals like [choose: the Healthy Families Act, to establish a paid sick days standard; the FAMILY Act, to create a paid family and medical leave program; the Schedules That Work Act, to promote fair and predictable schedules, etc.] – not smoke-and-mirrors legislation, like H.R. 1180/S. 801, that would do more harm than good.

Sincerely,

[Name]

“Having worked as an RN for 25 years, I've worked thousands of hours of overtime... Forcing employees to take 'comp time,' in lieu of overtime pay, forces an underpaid worker to have to seek a second job or loans to manage expenses. That is an unreasonable and irresponsible position to put employees into.”

— Janice, Ore. (Courtesy of MomsRising)
