



Proposed Amendment to FLSA Could Affect Overtime Practices

On February 16, 2017, Representative Martha Roby (R-Ala.) reintroduced a bill in the House of Representatives that would permit employers to offer compensatory time off to employees who work overtime.

The bill, entitled the Working Families Flexibility Act (the "Act"), would amend the federal Fair Labor Standards Act to permit employers to offer employees compensatory time off at a rate of one and one-half hours for every hour worked over forty (40) hours in a workweek, in lieu of overtime pay. Employees would be eligible to accrue a maximum of 160 hours of compensatory time off under the Act. In order to be eligible to receive compensatory time off instead of overtime pay, an employee must have worked at least 1,000 hours for the employer during a period of continuous employment in the immediately preceding 12-month period. The goal of the Act is to provide working individuals with a better work-life balance.

This is not the first time this bill has been before Congress. An earlier version of the bill was introduced in 2013, and was passed by the House of Representatives. However, the bill was not passed by the Senate. The current version of the bill was previously introduced by Representative Roby in 2015 in a previous session of Congress, but was also not enacted at that time.

Even if the bill is passed, Wisconsin and other states with state-level overtime laws would have to adopt similar legislation in order for private employers in those states to be able to offer compensatory time off instead of overtime pay.

If you have any questions about the proposed Act and the effect the Act, if enacted, would have on your wage and hour practices, please contact [Rob Driscoll](#) or your Reinhart attorney.

POSTED:

Apr 18, 2017

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