

November 20, 2025

Dear Member of Congress:

**We, the undersigned organizations, urge you to oppose the so-called Working Families Flexibility Act (H.R. 2870/S. 1158), a smoke-and-mirrors bill that would rob workers of both their time and money.** At a time when workers are struggling to juggle work and family and to earn enough to get by, rather than increasing worker pay and providing real flexibility to workers, this bill replaces guaranteed overtime pay with a false promise of time off.

The Working Families Flexibility Act would offer a false choice between time and pay. The bill purports to give hourly workers more flexibility and time with their loved ones by allowing them to choose paid time off, rather than time-and-a-half wages, as compensation for working more than 40 hours in one week (“comp time”). But this approach is inherently flawed in several ways.

**First, the Working Families Flexibility Act would undermine overtime protections for millions of workers.** In passing the Fair Labor Standards Act of 1938 (FLSA), Congress recognized that workers and employers are rarely on equal footing. Financially desperate workers, workers with limited job options, and workers who fear retaliation are more likely to accept substandard pay and excessive hours. Given this, the law and its regulations make clear that employers must pay employees the overtime they are owed on time and in full. But this bill would erode overtime protections for the nearly 98 million workers who are eligible for it.

While the bill on its face prohibits employers from coercing their employees into accepting comp time, it does not include any penalties for employers who do so, which could lead to employers forcing their workers to “agree” away their right to overtime pay with impunity. Additionally, rather than automatically receiving pay for overtime, workers would be forced to expressly ask to be paid for their work either by requesting the use of comp time or requesting a payout for unused comp time. But vulnerable workers, or even higher earning workers who might be seeking a promotion, might feel hesitant to ask for either. And because employers can intimidate and threaten with impunity, employees may be left unable to ask for pay they have earned.

**Second, this bill does nothing to guarantee that workers can take paid time off.** Workers in the U.S. need paid time off to help them juggle work and family but many lack access to any form of paid time off, including paid sick days and paid medical and family leave. While this bill purports to provide workers with paid leave, missing guardrails would essentially leave workers unable to take time off.

A worker’s request to use accrued comp time could be denied if an employer thinks it would “unduly disrupt” their business, and because employers face no consequences for coercion or

intimidation, employees may feel unable to actually take time off. While employees are allowed to use comp time within a “reasonable period” after making a request, this is not defined and precedent suggests that employers would be able to significantly delay leave based on workload or their inability to find someone to cover work. Employers could rescind approval for time off without warning, making it difficult for employees to make plans during their time off. And workers could even end up with less paid leave than they have now - in the absence of federal laws requiring employers to provide paid sick or vacation days, employers that offer these policies willingly could roll them back and substitute with a comp time policy.

**Finally, this bill would leave workers with more hours and less pay.** The FLSA’s overtime pay requirements were created to discourage employers from overworking a few employees and instead hire additional workers and to provide workers who are asked to work longer hours with a pay premium. But this bill would undermine both goals, leaving workers with more hours and less pay.

Comp time essentially allows employers to defer or delay payment to employees, so employers would have a significant financial incentive to assign overtime hours to workers who “agree” to accept comp time instead of overtime wages. And because employers face no penalties for coercion or intimidation, employees could be forced to work an excessive number of hours in exchange for the promise of paid time off that they cannot actually use. Workers who depend on overtime to make ends meet could be left with less pay at the end of the month due to being forced into comp time, leaving them without the extra pay they rely on each month. Workers who want a payout for unused comp time could see significant delays because employers have 30 days to payout under this bill, which amounts to employees providing their employers with an interest-free loan. And low-road employers could more easily hide wage theft from their employees due to provisions in the bill that allow employers to delay allowing workers to use their comp time or delay payout, which could create confusion that hides or postpones discovery of wage theft.

**Instead of wasting time on smoke and mirrors, Congress should focus on policies that provide real solutions to workers to help them juggle work and family.** These policies should boost wages *and* guarantee workers paid time away from work. This includes providing workers with paid sick days, paid family and medical leave, and paid vacation days, along with raising the minimum wage and phasing out subminimum wages. We urge Congress to reject the Working Families Flexibility Act and instead adopt these family friendly workplace policies.

Sincerely,

A Better Balance  
American Association of University Women (AAUW)  
American Civil Liberties Union  
Center for Economic and Policy Research  
Center for Law and Social Policy (CLASP)  
Economic Policy Institute  
Equal Rights Advocates  
Family Values @ Work  
MomsRising  
National Education Association  
National Employment Law Project (NELP)  
National Organization for Women  
National Partnership for Women & Families  
National Women's Law Center Action Fund  
New Jersey Citizen Action  
PHI  
Service Employees International Union  
Women Employed  
WorkLife Law