

# COMP TIME IN LIEU OF OVERTIME PAY

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## CQC Position:

The Campaign for Quality Construction opposes amending the Fair Labor Standards Act to include “voluntary” compensatory time off in lieu of overtime pay. CQC does not believe such a change would benefit employees in the construction industry.

## Issue:

Past legislation has attempted to amend the Fair Labor Standards Act of 1938 to provide voluntary compensatory time off for employees in the private sector in lieu of overtime pay. The legislation provided workplace flexibility options for: (1) time-and-a-half compensatory time off; (2) biweekly work programs (allowing up to ten hours more than 40 hours of work in one week and correspondingly less in the other); and (3) flexible credit hour programs (allowing employees to work extra time to accrue flexible credit hours to reduce the hours worked on a subsequent day in a week). Employee participation in these programs is supposed to be voluntary and collective bargaining agreements need to be honored.

## Status:

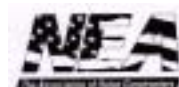
*Legislation did not advance in 108<sup>th</sup> Congress.*

## Facts:

- Supporters claim that comp time bills would promote “family values” by giving workers more time off to be with their spouses and children. In reality, they would reduce the income of workers. These bills permit employers to “pay” workers with comp time instead of with money, if a wage earner works overtime.
- The Biweekly Work Programs and Flexible Credit Hour Programs would authorize an employer to have employees work 50 hours in a

week without paying overtime as long as the worker does not work more than 80 hours during a two-week period.

- While stating the employee participation in comp time programs is voluntary, past language has contained ineffective enforcement remedies. Past bills fail to specify a penalty to punish employers who force workers to take “voluntary” compensatory time off instead of receiving premium pay at the time-and-a-half rate.
- Language in the 108<sup>th</sup> Congress allowed employers to cancel an offer to a worker of compensatory time if the employer later decides that the time off would “unduly disrupt the operations of the employer.”
- Removing overtime-pay restrictions would allow employers to assign excessive work to employees.
- The nature of construction would make comp time almost impossible to track due to the multiemployer nature of the industry. What if one earns comp time on a job site and the project finishes before the comp time is used? How would that worker be compensated?



*\*\*For more information, please visit [www.constructionalliance.org](http://www.constructionalliance.org).\*\**