



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 6, 2013
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H. R. 1406 – Working Families Flexibility Act of 2013

(Rep. Roby, R-AL, and 168 cosponsors)

The Administration strongly opposes H.R. 1406. This legislation undermines the existing right to hard-earned overtime pay, on which many working families rely to make ends meet, while misrepresenting itself as a workplace flexibility measure that gives power to employees over their own schedules. If the President were presented with this legislation in its current form, his senior advisors would recommend that he veto the bill.

H.R. 1406 would not prevent employers from cutting the overtime hours and reducing the take-home pay of employees who currently have the right to overtime compensation. The legislation does not provide sufficient protections for employees who may not want to receive compensatory time off in lieu of overtime pay.

The proposed legislation also does not guarantee that workers will be able to use the time they have earned when they choose. Instead, H.R. 1406 could be read to provide employers broad discretion to deny requests to use compensatory time off if it would unduly disrupt their operations. Additionally, the bill fails to specify what remedy would be available to those employees who are denied their requests.

Finally, the bill does not fully protect a worker's right to receive monetary compensation for compensatory time they may have accrued but not used. The bill allows workers to accrue as many as 160 hours – 20 full days – but does not protect that accrued time if employers go out of business or declare bankruptcy.

The Administration continues to support and promote fair and flexible workplace policies that enhance worker productivity and simultaneously benefit employees and employers alike. We look forward to working with the Congress on proposals that will truly enhance worker-controlled flexibility and that ensure our American workplaces meet the needs of working families and a 21st Century workforce. This includes support in the President's Budget for state paid leave programs that do not force workers to choose between taking time off for family needs and receiving income, or even risk losing their jobs. The President's minimum wage proposal would also support working families by making sure that all workers receive enough hourly to make ends meet.

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