

GOP Seeks Alternative To Overtime Pay

Sam Hananel, Associated Press

WASHINGTON (AP) — It seems like a simple proposition: give employees who work more than 40 hours a week the option of taking paid time off instead of overtime pay.

The choice already exists in the public sector. Federal and state workers can save earned time off and use it weeks or even months later to attend a parent-teacher conference, care for an elderly parent or deal with home repairs.

Republicans in Congress are pushing legislation that would extend that option to the private sector. They say that would bring more flexibility to the workplace and help workers better balance family and career.

The push is part of a broader Republican agenda undertaken by House Majority Leader Eric Cantor, R-Va., to expand the party's political appeal to working families. The House is expected to vote on the measure this week, but the Democratic-controlled Senate isn't likely to take it up.

"For some people, time is more valuable than the cash that would be accrued in overtime," said Rep. Martha Roby, R-Ala., the bill's chief sponsor. "Why should public-sector employees be given a benefit and the private sector be left out?"

But the idea Republicans promote as "pro-worker" is vigorously opposed by worker advocacy groups, labor unions and most Democrats. These opponents claim it's really a backdoor way for businesses to skimp on overtime pay.

Judith Lichtman, senior adviser to the National Partnership for Women and Families, contends the measure would open the door for employers to pressure workers into taking compensatory time off instead of overtime pay.

The program was created in the public sector in 1985 to save federal, state and local governments money, not to give workers greater flexibility, Lichtman said. Many workers in federal and state government are unionized or have civil service protections that give them more leverage in dealing with supervisors, she added. Those safeguards don't always exist in the private sector, where only about 6.6 percent of employees are union members.

Phil Jones, 29, an emergency medical technician in Santa Clara, Calif., said he's wary of how the measure would be enforced.

"Any time there's a law that will keep extra money in an employer's bank account, they will try to push employees to make that choice," said Jones, who regularly earns overtime pay. "I know how we get taken advantage of and I think this bill will just let employers take even more advantage of us."

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But at a hearing on the bill last month, Karen DeLoach, a bookkeeper at a Montgomery, Ala., accounting firm, said she liked the idea of swapping overtime pay for comp time so she could travel with her church on its annual mission trip to Nicaragua.

"I would greatly appreciate the option at work to choose between being compensated in dollars or days," she said.

The GOP plan is an effort to change the Fair Labor Standards Act of 1938, which requires covered employees to receive time-and-a-half pay for every hour over 40 within a work week. The proposal would allow workers to bank up to 160 hours, or four weeks, of comp time per year that could be used to take time off for any reason.

The bill would let an employee decide to cash out comp time at any time, and forbids employers from coercing workers to take comp time instead of cash.

Republicans and business groups have tried to pass the plan in some form since the 1990s.

Democrats say the bill provides no guarantee that workers would be able to take the time off when they want. The bill gives employers discretion over whether to grant a specific request to use comp time. Opponents also complain that banking leave time essentially gives employers an interest-free loan from workers.

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