



Legislation Text

File #: Res 0828-2003, Version: *

Res. No. 828

Resolution calling upon the United States Congress to reject the proposed amendments to the Fair Labor Standards Act of 1938 in relation to substituting compensatory time for overtime pay, as set forth in the Family Time Flexibility Act, H.R. 1119, and to make coverage under the Fair Labor Standards Act available to workers who are not white collar workers or who have no real autonomy or only limited decisionmaking power with respect to the duties of their job.

By Council Members Avella, Baez, Brewer, Fidler, Jackson, Jennings, Nelson, Quinn, Reyna, Seabrook, Serrano, Stewart, Weprin and Gennaro

Whereas, On March 6th 2003, the Family Time Flexibility Act, H.R. 1119, was introduced in the House of Representatives with the purpose of amending the Fair Labor Standards Act of 1938 in relation to overtime pay provisions for private sector employees; and

Whereas, H.R. 1119 was passed by the House of Representatives on April 9th, 2003; and Whereas, H.R. 1119 amends §7 of the Fair Labor Standards Act of 1938, 29 U.S.C. 207, by allowing employers to provide compensatory time in lieu of overtime pay at a rate of one and one-half hours of compensatory time for every hour for which overtime compensation is required; and

Whereas, The employer is required to pay the employee for unused compensatory time within thirty days of an employee's request, or upon voluntary or involuntary termination of employment, and in any case, no less than once a year; and

Whereas, Despite the putatively optional nature of the proposed compensation time requirements, there is a strong likelihood, given unequal bargaining positions between employers and many employees, that removing the mandatory force of overtime requirements will lead employers to coerce employees into accepting compensatory time in order to save on labor costs through the threat or implication that accepting compensatory time is a condition of employment; and

Whereas, The proposed amendments could increase the amount of overtime employers require their employees to work, thus undermining the forty hour work week; and

Whereas, Many employees count on their overtime pay as a part of their income, and the proposed amendments would likely result in significant financial difficulty for families already struggling to make ends meet; and

Whereas, Despite the bill's goals of allowing parents to spend more time with their children, employees who are forced to accrue compensation time rather than receive overtime pay could find themselves using their compensation time for second and third jobs, thus further restricting time spent with their families; and

Whereas, Congress should also introduce language into any amendment of the Fair Labor Standards Act to make coverage under this Act available to workers who are not white collar workers or who have no real autonomy or only limited decisionmaking power with respect to the duties of their job; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to reject the proposed amendments to the Fair Labor Standards Act of 1938 in relation to substituting compensatory time for overtime pay, as set forth in the Family Time Flexibility Act, H.R. 1119, and to make coverage under the Fair Labor Standards Act available to workers who are not white collar workers or who have no real autonomy or only limited decisionmaking power with respect to the duties of their job.

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