



Comp Time: Who Benefits Most?

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Since early May, when the U.S. House of Representatives passed the Working Families Flexibility Act of 2013 (also called the “comp time” bill) by a narrow margin, many articles and blogs have opined on whether the proposed legislation would actually benefit employees by providing time off instead of overtime pay. Like many other types of employment-related legislation and existing laws, it depends.

One of the first factors to consider is whether the employee works for an honest, ethical compliance-oriented employer. If so, the proposed law probably would benefit the employee by providing an added element of choice between more take-home pay and more time off, with little to no risk that the employer might deny the employee the earned time off. If not, the employee probably has much more to fear than whether the employer will be reasonable about and follow the proposed rules relating to comp time.

Let us assume that the vast majority of employees work for a company that at least attempts to comply with the myriad of applicable employment laws and that many companies even opt for strict compliance. In those circumstances, many of the concerns raised about the proposed comp time legislation (such as that banked time will not be paid out or will not be easily scheduled and used) become non-issues.

Are there some workplaces where those might be valid concerns? Of course, but again, employees in those workplaces have far greater concerns. For many companies, offering comp time to employees will create yet another recordkeeping burden. This burden is one that many companies might think they must accept, since the younger generation of workers continues to highly value time away from work.

The premise that some employees prefer time away from work more than a larger paycheck is the entire basis for the proposed legislation. Even if the bill does pass, employers may want to proceed slowly before adopting a comp time policy. In sum, although employees may be skeptical that an employer would comply with the law and provide the benefits required, employers may be skeptical that the law offers any real benefit to them.

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