

PROVIDING FOR THE CONSIDERATION OF H.R. 2391, THE
WORKING FAMILIES FLEXIBILITY ACT OF 1996

JULY 24, 1996.—Referred to the House Calendar and ordered to be printed

Ms. GREENE of Utah, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 488]

The Committee on Rules, having had under consideration House Resolution 488, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2391, the “Working Families Flexibility Act of 1996” under a modified open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Economic and Educational Opportunities.

The rule provides for a 2 hour limit on the amendment process.

The rule also makes in order as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities now printed in the bill. The rule waives clause 7 of rule XVI (germaneness) against the committee amendment in the nature of a substitute.

The rule provides for the consideration of a manager’s amendment printed in the Rules Committee report, which is considered as read, not subject to amendment or to a division of the question, may amend portions of the bill not yet read, and is debatable for 10 minutes equally divided between the proponent and an opponent. If adopted, the amendment is considered as part of the base text for further amendment purposes.

The rule provides for consideration of only those amendments that are preprinted in the Congressional Record.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce

voting time to five minutes on a postponed question if the vote follows a fifteen minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

SUMMARY OF MANAGER'S FLOOR AMENDMENT TO H.R. 2391

Adds language requiring private sector employer to provide an employee with 30 days notice prior to cashing out the employee's accrued, unused compensatory time.

Adds language which allows private sector employer to only cash out unused compensatory time accrued by an employee in excess of 80 hours, unless the cash out is in response to an employee request.

Requires a private sector employer to provide employees with 30 days notice prior to discontinuing a policy of offering compensatory time to employees.

Specifies that a private sector employee may, at any time, withdraw from a compensatory time agreement with the employer.

Adds a new section which requires the Secretary of Labor to revise the posting requirements under the regulations of the Fair Labor Standards Act to reflect the provisions of H.R. 2391.

Clarifies that unused compensatory time would be considered to be unpaid overtime compensation for the purposes of all remedies under the Fair Labor Standards Act, not just for section 16(b)/private suits.

Eliminates language which limited a private sector employee's remedies against an employer to "willful" violations of the anticoercion provision in H.R. 2391.

Adds language to clarify that the reference to the limit for accrued comp time includes subparagraph (4). (Technical change)

THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLING OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 20, insert "(4) or" after "paragraph".

Page 5, line 10, insert "in excess of 80 hours" after "time".

Page 5, insert after line 12 the following:

"(iii) An employer which has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice. An employee who is not an employee of a public agency may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time."

Page 5, line 11, insert before the period the following: "after giving the employee at least 30 days notice".

Page 7, beginning in line 12, strike ", for purposes of section 16(b)."

Page 8, line 9, strike "willfully".

Page 8, insert after line 15 the following:

SEC. 4. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published at 29 C.F.R. 516.4, to employers for purposes of a notice explaining the Fair Labor Stand-

ards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this Act.

