

Flexible Scheduling

Problem:

Small-business owners, as well as their employees, are faced with the challenging task of juggling their personal lives with their careers. In today's post-pandemic world where more and more people are working from home and small businesses have had to rethink how they do business, flexibility is key. In order to allow the greatest amount of freedom while maintaining productivity, flexible scheduling—including flexible credit hour programs, compensatory time and compressed workweeks—must be made available to all small businesses.

- Today, 30 U.S. states have some kind of flex-work policy in place for their government workers—and in 2010 the federal government passed the Telework Enhancement Act, which requires federal agencies to establish telework policies for their employees. Yet, private-sector employers aren't currently allowed to give workers complete flexible scheduling options. The law requires, among many other provisions, a 40-hour work week and mandatory overtime payment at the rate of one-and-a-half times the hourly wage.
- Businesses are allowed to adjust schedules and work hours within a 40-hour work week, but nothing beyond that singular week. For certain individuals who are exempt from overtime pay, primarily those in managerial or professional roles, the employee and employer has the opportunity to discuss and legally alter the worker's schedule— even allowing for multiple-week arrangements. Unfortunately, a typical small-business employee may not qualify for such an exemption, leaving them unable to negotiate a better work arrangement with their employer.
- Flexible scheduling has become a key recruitment tool for some of America's largest companies in their search for management-qualified employees. Small businesses, however, are hit particularly hard by the Fair Labor Standards Act's (FLSA) rigid rules, simply because they are more likely to hire fewer management-qualified employees.

Solution:

Workplace flexibility is a strategy for work-life balance that promotes employee retention, satisfaction, production and prevents worker burnout. Finding solutions to work arrangements that provide a balance between job and family responsibilities is also a priority for small-business owners and their employees. Federal one-size-fits-all solutions do not work for small businesses, especially given the massive shifts in working spurred by the pandemic.

Congress should amend the outdated FLSA to: give private-sector employees more voluntary flexible scheduling, including compensatory time-off in lieu of overtime pay; and flexible 80-hour two-week work periods.