



February 24, 2022

The Honorable Randy Voepel  
 California State Assembly  
 1021 O St., Ste. 5540  
 Sacramento, CA 95814

**SUBJECT: AB 1761 (VOEPEL) EMPLOYMENT: FLEXIBLE WORK SCHEDULES SUPPORT**

Dear Assembly Member Voepel:

The California Chamber of Commerce and the organizations listed below are pleased to **SUPPORT** your **AB 1761**. **AB 1761** will allow employee-selected flexible work schedules.

California is one of the only states that requires employers to pay daily overtime after eight hours of work in addition to weekly overtime after 40 hours of work. Even other states that impose daily overtime requirements allow the employer and employee to essentially waive the daily eight-hour overtime requirement through a written agreement. California, however, provides no such common-sense alternative. Rather, California requires employers to navigate through a multi-step process to have employees elect an alternative workweek schedule that, once adopted, must be “regularly” scheduled. This process is filled with potential traps that could lead to costly litigation, as one misstep may render the entire

alternative workweek schedule invalid and leave the employer on the hook for claims of unpaid overtime wages.

Currently, there are 42,494 reported alternative workweek schedules with the Division of Labor Standards Enforcement. According to the Employment Development Department, California has about 1.2 million employers. Therefore, about less than 4% of California employers utilize the alternative workweek schedule option. Further, more realistically, given that the information in the database is according to work unit instead of employer, it is likely that less than 1% of employers in California are utilizing this process.

Employees want flexibility in their work schedules. In a recent poll conducted by the California Chamber of Commerce, 88% of voters agree (49% of them strongly) that the state's overtime laws should be changed to make it easier for employees to work alternative schedules, such as four 10-hour days. A survey by the Society for Human Resource Management revealed that 91% of Human Resources professionals agree that flexible work arrangements positively influence employee engagement, job satisfaction, and retention. According to Corporate Voices for Working Families and WFD Consulting, an in-depth study of five organizations that allow their non-exempt employees to have flexibility in their schedules found that employee commitment was 55% higher and burnout and stress decreased by 57%. Women and low-income workers have suffered the most from the inability to have flexible schedules, feeling pressured to abandon career goals to care for children and fulfill household obligations. That pressure has been exacerbated by the COVID-19 pandemic. An article by NPR estimated that close to 900,000 women left the workforce in 2020 to keep up with the demands of childcare and household obligations. That rate is four times higher than men.

With near-record unemployment, we should be doing everything possible to maximize opportunities for employers to allow employees to set hours that work for an employees' personal and family obligations. This way workers can continue to be employed and support themselves and their families.

**AB 1761** would provide employees more flexibility because the employee could request an alternative workweek schedule on an individualized basis. It would also relieve employers the administrative cost and burden of adopting an alternative workweek schedule per division. Pursuant to **AB 1761**, at the **request of the employee**, an employer would be able to implement a flexible work schedule that allows the employee to work up to ten hours in a day or 40 hours in a week, without the payment of overtime. Employers should be able to provide their employees more flexibility and negotiate through a written agreement, revocable by either party, the daily/weekly schedule that satisfies the needs of both the employee(s) and the employer.

Promoting flexible policies that allow employees to continue to be employed and earning income while working from home is needed now more than ever.

For these and other reasons, we are pleased to **SUPPORT** your **AB 1761**.

Sincerely,



Ashley Hoffman  
Policy Advocate  
California Chamber of Commerce

Acclamation Insurance Management Services  
Allied Managed Care  
California Association for Health Services at Home  
California Food Producers  
California Hotel & Lodging Association  
California Restaurant Association  
Carlsbad Chamber of Commerce  
Chino Valley Chamber of Commerce  
Coalition of Small and Disabled Veteran Businesses  
Family Business Association of California

Flasher Barricade Association  
Fremont Chamber of Commerce  
Greater Coachella Valley Chamber of Commerce  
Greater High Desert Chamber of Commerce  
Greater Riverside Chambers of Commerce  
Housing Contractors of California  
Lodi Chamber of Commerce  
Long Beach Area Chamber of Commerce  
Murrieta/Wildomar Chamber of Commerce  
National Federation of Independent Business  
North Orange County Chamber  
Oceanside Chamber of Commerce  
Pleasanton Chamber of Commerce  
Rancho Cordova Area Chamber of Commerce  
Roseville Area Chamber of Commerce  
San Gabriel Valley Economic Partnership  
Santa Maria Valley Chamber of Commerce  
Simi Valley Chamber of Commerce  
Southwest California Legislative Council  
Torrance Area Chamber of Commerce  
Valley Industry & Commerce Association  
Western Electrical Contractors Association

cc: Stuart Thompson, Office of the Governor

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