

Proposed Legislation to Reduce Workweek to 32 Hours

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Recently, Vermont Senator Bernie Sanders introduced proposed legislation that would reduce the standard workweek in the United States from 40 to 32 hours. The Bill, titled the “Thirty-Two Hour Workweek Act” (the Act), would amend Section 7 of the Fair Labor Standards Act (FLSA), 28 U.S.C. § 201 *et seq.*, removing the language that has limited the standard workweek to 40 hours since the passage of the FLSA in 1940.

The proposed changes in the first draft of the Act would add numerous complications for employers in monitoring their employees’ work hours:

- For workweeks where employees work more than 32 hours, the standard overtime compensation rate of one and one-half times the employee’s regular rate would apply for every hour worked over 32 hours.
- For *workdays* longer than eight hours but less than 12 hours, the same standard overtime compensation rate would apply for the eighth through twelfth work hours.
- For *workdays* longer than 12 hours, every hour worked past 12 hours would be compensable at *double* the employee’s regular rate of pay.

The Act also allows for a four-year transition period to allow employers to adjust and would go into effect 180 days after being enacted as law. The workweek would then be reduced to 38 hours for the first year after going into effect, 36 hours for the second, 34 hours for the third, and 32 hours permanently beginning four years after going into effect.

The changes would not affect exempt employees, those affected by the Department of Labor’s (DOL) regulations defining specific exclusions from the minimum wage and overtime requirements of the FLSA. Notably, in 2023, the DOL also proposed a new rule that would affect the classification of “white collar” workers as exempt.

The Bill was debated at a hearing on Thursday, March 14, in front of the Senate Committee on Health, Education, Labor, and Pensions. Mr. Sanders maintained his traditionally pro-worker stance, arguing that the Bill would benefit workers and protect them from the profiteering of corporate leadership. Democrats also cited the rise in artificial intelligence and automation as reasons employees can complete the same amount of work in a shorter timeframe. Republican senators, including Bill Cassidy, the Republican senator from Louisiana, argued that the Bill would disproportionately affect small businesses and increase rates of inflation by raising costs for employers.

Economists and scholars are divided on the benefits of a reduced workweek, including some who testified at the hearing. Economist Juliet Schor testified to a [2023 study](#) where 61 British companies entered a trial run of a four-day workweek, with 91% of companies that switched maintaining the new work schedule after a year.

Statistician Liberty Vittert testified that statistical evidence in favor is limited and disputed the studies finding that shorter workweeks increase productivity.

Of course, the Act has a long journey through both chambers of Congress before reaching President Biden's desk, and it faces an uphill battle from a Republican majority in the Senate. McGlinchey will continue to monitor this Bill as it progresses.

Please contact McGlinchey's [Labor and Employment team](#) if you have questions about this Bill or your compliance with the FLSA or other labor regulations.

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