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Never Work Another Friday, America! Bernie Sanders Unveils 32-Hour Workweek Proposal

California Employment Law Update on **March 25, 2024**

Senator Bernie Sanders (I-VT) has introduced the Thirty-Two Hour Workweek Act (the "Act"), a bill that, if enacted, would lower the threshold for a "standard" workweek by 20 percent, from 40 to 32 hours. Should the Act become law, it would have a significant impact on employers not just in California but across the nation. (Of course, there's always a California connection—companion legislation, H.R. 1332, has been introduced in the House by Representative Mark Takano (D-CA).)

Under current law, the Fair Labor Standards Act (the "FLSA") requires employers to pay one-and-a-half times an employee's regular rate of pay when a nonexempt employee works in excess of 40 hours in a single workweek.

California already imposes even stricter standards on employers, requiring time-and-a-half overtime not only for work performed in excess of 40 hours in a workweek but also in excess of eight hours in a single workday. Employees who work in excess of 12 hours in a single workday must be paid ***twice*** their regular rate of pay for those hours.

While not receiving as much attention, these bills also would export the stricter California overtime model nationwide and require employers to pay overtime for any hours worked in excess of eight in a single workday (and twice the regular rate for hours worked in excess of 12), ***even if*** the total hours worked in a workweek do not exceed 32. If enacted, these amendments would make it more expensive for employers to keep employees on a typical five-day workweek – essentially giving employees who work 40 hours per week an automatic 10% raise for the same amount of work. Given rising minimum wages across this state, such a change would be quite a burden for California employers. We will be sure to monitor both of these bills for any updates.

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