

April 4, 2017

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Subcommittee on Workforce Protections of the  
Committee on Education and the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative:

On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose H.R. 1180, the Working Families Flexibility Act of 2017. H.R. 1180 claims to help American workers better balance the needs of family and the workplace by allowing employers to offer private-sector employees the choice of paid time off in lieu of cash wages for overtime hours worked. But contrary to its stated purposes, the proposed law will result in more overtime hours for employees for less money and without any guarantee of compensatory time when needed.

For over 80 years and counting, the Federal Labor Standards Act (FLSA) establishes the basic requirements for wage and hour protections including overtime compensation. Under FLSA, overtime compensation must be provided for covered employees working more than the maximum period of 40 hours per week. However, H.R. 1180 provides no guaranteed right for an employee to use banked compensatory time when needed, even in the case of a personal or family emergency. Instead, this legislation gives discretion to the employer to permit use of compensatory time only "within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer."

This legislation calls for an irresponsible change to the FLSA that will negatively impact worker's actual take home pay, and the valued time spent with their family when both are needed for workers' financial stability and to address family obligations. Also, if an employee's request to use comp time is denied because the employer unilaterally decides it is "unduly disruptive", the law provides no recourse. And then, even when provided the compensatory time, the use of that time is controlled solely by the employer. In short, employees can be denied overtime pay, and effectively be prevented from meeting their family needs.

Our experience in the public sector has revealed that employers' control over the use of compensatory time inflicts very real hardships on the public employees entitled to compensatory time for their overtime work. Employees request specific dates for valid reasons. Employees need the earned time off for milestones such as children's birthdays, family and friends' weddings, funerals, scheduled vacations and other date-specific activities.

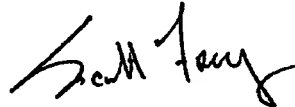
Giving the employer veto power has been burdensome and abused by employers in the public sector and it has been cause for litigation. In theory, employees may take compensatory time within a reasonable period after making the request. In practice, it creates problems for employees denied the time when they need it and the language of the law becomes a false promise.

Balancing the demands of family and the workplace are already a challenge for far too many workers. At a time in our country when our priority should be investing in stable jobs with good wages and benefits, our attention should not be on legislation that would further hurt workers who are already subjected to very little formality with respect to an agreement to take compensatory time off in lieu of overtime pay.

Nothing in the current compensatory time-off application of the FLSA prevents employers from giving leave to employees who work long hours. Neither does the new proposal offer the critical protections workers need in the 21<sup>st</sup> century. Workers need solutions that actually help them manage work and family responsibilities; not a law that will provide less flexibility to a workforce under the guise of providing more.

H.R. 1180 attacks workers' paychecks, time off and flexibility; and AFSCME strongly opposes this bill.

Sincerely,

A handwritten signature in black ink that reads "Scott Frey". The signature is written in a cursive, slightly slanted style.

Scott Frey  
Director of Federal Government Affairs

SF:KLS:mc