



Family Values @ Work: A Multi-State Consortium
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April 25, 2017

Representative Virginia Foxx
Chairperson
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC

Representative Robert C. Scott
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC

Dear Representative Foxx and Representative Scott,

On behalf of Family Values @ Work, a network of coalitions in 24 states working for public policies that help people provide for and care for their families, we are writing to oppose the Working Families Flexibility Act of 2017 (HR 1180), sponsored by Rep. Martha Roby (R-Alabama).

HR 1180 claims to offer a genuine solution to the time crunch many families experience. Unfortunately, the substance of the bill would result in American workers being asked to work more in exchange for less.

In its current form, the supposed “Comp Time” bill would allow workers to be offered comp time – a paid hour and a half off in the future in exchange for each extra hour on the job that week – instead of being paid time-and-a-half for overtime. Supporters say workers may then request the time for any purpose they like, including care for a sick child or even leisure activities like a baseball game. However, the bill is written in such a way to allow the supervisor to decide if a particular day would “unduly disrupt” business operations and specify an alternative date, perhaps when the child happens to be well and in school and the baseball season has come and gone.

At best, workers get to spend more time with their family only after being forced to work overtime and spend more time away from their families. Because a disproportionate number of low-wage earners in the United States are female and people of color, many of them single mothers, this bill will have a disastrous effect on already vulnerable communities.

HR 1180 may declare that employees can choose comp time or pay, but it ignores the reality that most workers have no control over their hours or working conditions, and that wage and



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hour violations are rampant in low-wage workplaces. While the bill supposedly makes it unlawful for an employer to coerce or intimidate an employee into accepting compensatory time, it fails to provide any administrative remedies for employees who have been coerced into accepting this option or who are passed over for needed overtime as a result of choosing the pay option. The only course of action is to sue in court, which is far too costly for a typical employee to pursue. Moreover, the bill does not provide for any additional funding to the Department of Labor for investigation, enforcement, or education.

HR 1180 also does nothing to address mandatory overtime. By making it possible for employers not to pay for overtime, this bill instead provides an incentive to require long hours.

Fortunately, Congress has concrete alternatives to the Roby bill that would help working families be good providers and good caregivers. These include measures like the Healthy Families Act - HR1516, to guarantee workers can earn paid sick days; the FAMILY Act - HR 947, to ensure they can draw wages while welcoming a new child or caring for a personal or family illness; and the Schedules That Work Act, to establish the right to request more flexible or predictable work schedules.

Congress should also support increasing the minimum wage and eliminating the tipped sub-minimum wage, currently set at \$2.13, and indexing the adjusted minimum to inflation. Additionally, Congress should insist that the administration support, not overturn, the change President Barack Obama initiated to bring overtime pay in line with inflation by raising the threshold from \$23,700 to \$50,400.

Workers desperately want more time with their families, more control over their hours, and fair compensation. HR 1180 would make it harder for them to have any of the above. We urge you to oppose the Working Families Flexibility Act of 2017, and instead to support these positive measures for working families.

Sincerely,

Ellen Bravo and Wendy Chun-Hoon
Co-Directors, Family Values @ Work