



April 24, 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

**Protect Working Families  
Vote NO on H.R. 1180, the Working Families Flexibility Act**

Dear Representative Foxx and Representative Scott:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 210 national organizations to promote and protect the rights of all persons in the United States, we urge you to oppose the Working Families Flexibility Act (H.R. 1180), introduced by Rep. Martha Roby (R-AL). The inappropriately named Working Families Flexibility Act will mean more overtime hours and less money for workers without any guarantee of time off when they need it.

The Leadership Conference believes employees deserve fair wages, paid time off, and more flexible schedules to support their families and meet both workplace and family needs. The Working Families Flexibility Act purports to offer private sector employees a choice between extra time and extra pay. Instead, H.R. 1180 relieves employers of the longstanding requirement of the Fair Labor Standards Act (FLSA) of paying time and a half wages for hours worked in excess of the 40 hour week in exchange for a promise of future paid leave. It places unfettered discretion in the hands of the employers, while limiting the ability of employees to earn the wages needed or even have flexible time off when they need it most to support their families.

H.R. 1180 will have a particularly pernicious effect on people of color and women, who make up a disproportionate share of the low-wage workforce. One in every three workers work in jobs that pay less than \$12 per hour. For a family of four working full-time year-round, this amounts to just above the poverty line. More than half of all Black workers and 60 percent of Hispanic workers hold these types of jobs.<sup>1</sup> These low-wage workers need to be fully compensated for hours worked and, in addition, should receive basic benefits like paid sick days (H.R.1516) and family and medical leave (H.R. 947).

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The FLSA already provides for a range of flexible schedules. For example, under current law, public and private employers may choose to allow their workers to vary the start or end of their workday, even on an ad hoc basis. Employers could also permit schedules with nine or ten hour days and one workday off per week or every other week, respectively. This bill places all the control for taking compensatory time with the employer rather than the employee, a fundamental shift in the basic premise of the FLSA, which provides minimum standards to protect employees.

While H.R. 1180 supposedly makes it unlawful for an employer to coerce or intimidate an employee into accepting compensatory (comp) time, it fails to provide any administrative remedies for employees who have been coerced into accepting comp time or whose rights to freely choose comp time versus overtime payments have been violated. The only course of action for an aggrieved employee 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, despite this significant change to the FLSA.

H.R. 1180 would be a step in the wrong direction. Instead of building on the success of policies such as the Family and Medical Leave Act, paid sick days, and a fair minimum wage, which provide workers and their families with the time off and the financial stability they need, this “flexibility” bill offers forced choices and false promises. We urge you to support working families by opposing H.R. 1180 in the Committee mark-up. Please contact June Zeitlin at (202) 263-2852 or zeitlin@civilrights.org, if you have any questions.

Sincerely,



Wade Henderson  
President & CEO



Nancy Zirkin  
Executive Vice President

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<sup>1</sup> Economic Policy Institute and Oxfam America. *Few Rewards: An Agenda to Give America's Working Poor a Raise*. Washington DC and Boston MA. 2016. <https://www.oxfamamerica.org/explore/research-publications/few-rewards/>.