



**Leo W. Gerard**  
International President

April 25, 2017

Education and Workforce Committee  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative:

On behalf of the United Steelworkers union (USW), **I write in opposition to HR 1180, “The Working Families Flexibility Act of 2017.”** This misleadingly titled legislation will do little to provide workers with the flexibility and family time it purports to provide. Instead, it will result in less pay for workers and allow employers to demand longer hours from workers for less pay with only a promise of future time off – at the employer’s convenience.

The Fair Labor Standards Act (FLSA) protects employees from the demands of excessive overtime by requiring employers to provide extra compensation for hours worked over 40 in a week. H.R. 1180 removes the premium employers must pay to hourly workers and replaces extra pay with accrued hours or “comp time”, failing to include any protection of employee rights. Instead, it tips the balance in favor of employers by giving them complete control over when “comp time” could be used and does not establish any penalties for an employer or company that denies “comp time” usage.

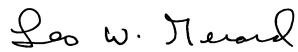
The bill encourages discrimination against workers who voluntarily choose overtime pay as opposed to “comp time” as employers will give extra work to “comp time” employees because it will be cheaper for them. There are also no repercussions if an employer chooses to discriminate by hiring employees who agree to accept “comp time” in place of overtime pay.

There is a real financial cost to workers and their families. First of all, comp time is calculated at “straight time” rates rather than the current “time and one-half” that employers must currently pay for extra hours worked. Rather than workers receiving payment for overtime hours worked in their paycheck to spend or save how they see fit, workers could potentially have to wait until the end of the year to receive their due compensation. This financial delay essentially creates an interest free loan to the employer. Finally, there are no provisions to protect workers’ earned “comp time” if an employer declares bankruptcy.

If you really take a hard look at the Working Families Flexibility Act, you will see that the only entity that gets flexibility and financial gain is the employer, not the employee. Under the FLSA as it stands today, every employer has the right to provide any kind of flexible work schedules they want. Time off that workers could receive under H.R. 1180 could already be given—as paid or unpaid leave—under current law. The difference between H.R. 1180 and current law is only whether employers are required to pay their employees a cash premium for overtime work.

Workers deserve fair compensation for the hours they work. Undermining overtime laws to benefit employers and encourage longer work schedules fails America's workers and their families. **Again, we urge you to oppose HR 1180.**

Sincerely,



Leo W. Gerard  
International President

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