

**WRITTEN TESTIMONY**

**OF**

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**COLLEGE AND UNIVERSITY PROFESSIONAL  
ASSOCIATION FOR HUMAN RESOURCES**

**APRIL 11, 2013**

**ON**

**THE WORKING FAMILIES FLEXIBILITY ACT**

**BEFORE**

**THE**

**UNITED STATES HOUSE OF REPRESENTATIVES  
EDUCATION AND WORKFORCE  
SUBCOMMITTEE ON  
WORKFORCE PROTECTIONS**

Good morning, Mr. Chairman and distinguished members of the Subcommittee. Thank you for holding this hearing today and for the opportunity to testify on this important issue. I am Andy Brantley, president and chief executive officer of the College and University Professional Association for Human Resources, known as CUPA-HR. Prior to joining CUPA-HR seven years ago, I was associate vice president for human resources for the University of Georgia (UGA) in Athens, Georgia. Before my arrival at UGA in January 2001, I served as the assistant vice president for business administration and director of human resources at Davidson College, a private college in Davidson, North Carolina.

CUPA-HR serves as the voice of human resources in higher education, representing more than 16,000 human resources professionals at over 1,900 colleges and universities across the country, including 92 percent of all United States doctoral institutions, 77 percent of all master's institutions, 57 percent of all bachelor's institutions, and nearly 600 two-year and specialized institutions. Higher education employs over 3.7 million workers nationwide, with colleges and universities in all 50 states.

Representing both public and private colleges and universities, CUPA-HR is well positioned to discuss the use of compensatory time in the public sector and its possible application to the private sector. We applaud the Chairmen and the Subcommittee for holding this hearing and the leadership of Representatives Martha Roby of Alabama for introducing the "Working Families Flexibility Act of 2013." As I understand it, the act would give private employers, including private colleges and universities, the opportunity to offer non-exempt employees the choice of compensatory time off instead of overtime pay in situations where the employee is eligible for overtime.

As an entity, higher education institutions are extremely complex organizations. They may be comprised of teaching hospitals, research facilities, agricultural operations and more, all of which compliment extensive academic program offerings. As a result, colleges and universities are often not only the largest employers in many communities, but also the largest employer within a state; employing a very skilled, very diverse workforce of faculty and staff. Most colleges and universities strive to be progressive employers, offering or attempting to offer generous benefits packages and innovative policies that make our campuses desirable places to work. In fact, they are often considered to be an employer of choice in a community.

To meet the diverse needs of our faculty and staff, colleges and universities strive to offer competitive welfare and healthcare benefits to employees and to sponsor work-family/life programs that support employee needs away from the workplace. Educational institutions offer these work-family/life policies and welfare benefits as a way to recruit and retain a highly skilled, quality workforce. These policies and benefits constitute our leading, competitive edge over the for-profit sector for employees, since higher education institutions typically offer a lower compensation package than for-profit organizations. However, being very comprehensive organizations, colleges and universities realize that flexibility in the workplace is fundamental in trying to meet the needs of the employee

and mission of the institution. This is especially true as employees try to balance the competing pressures of work, family and personal needs.

I have several examples from my own past that illustrate this point. The University of Georgia has an enrollment of more than 32,000 students. As a comprehensive land-grant and sea-grant institution, UGA offers baccalaureate, master's, doctoral and professional degrees in the arts, humanities, social sciences, biological sciences, physical sciences, agricultural and environmental sciences, business, environmental design, family and consumer sciences, engineering, forest resources, journalism and mass communication, education, law, medicine, pharmacy, social work, and veterinary medicine. At the time of my employment at UGA, we had more than 17,000 faculty, staff and students on the payroll each month to operate our programs and achieve our educational mission. Our workforce was diverse as were the needs of our employees. UGA was and still is the largest employer in Athens and one of the largest in the state.

To meet the needs of our employees, UGA provided a wide range of paid leave policies to all our employees. These policies included sick and vacation leave, as well as short- and long-term disability leave policies with pay. We also offered a number of unpaid leave policies that enabled the employee to substitute accrued paid leave for unpaid leave. The university also offered its employees several alternative work arrangements including flextime, compressed workweek, job sharing, 9- or 10-month work schedules and telecommuting arrangements.

Additionally, we offered employees the choice of receiving compensatory time or overtime pay for working in excess of 40 hours. As you are well aware, under the Fair Labor Standards Act, known as the FLSA, public employers, including colleges and universities, have the ability to choose compensatory time or overtime pay to compensate employees for hours worked in excess of 40 hours per week. Each time an employee at UGA worked more than 40 hours in a week, he or she had the option of receiving overtime pay, or with supervisor's approval, compensatory time off. Based on my conversations with university staff, compensatory time was an important and valued option at UGA. I am sure that is still the case and have heard the same sentiment echoed over the years by the many CUPA-HR members who work in public universities that offer employees the option of compensatory time off.

While some employees used compensatory time to deal with catastrophic occurrences or family crises, more often than not, non-exempt employees at UGA used compensatory time to meet the everyday challenges presented in balancing work-family issues. One employee on our campus at the College of Veterinary Medicine used compensatory time to do the "little errands" that often need to get done in balancing work-family, including visits to the doctor for her children. Although a visit to the doctor can be brief, to a parent who is working it requires picking the child up from daycare, taking the child to the doctor's office, getting a prescription filled at the pharmacy, returning the child to daycare, and then returning to the office. By using accumulated compensatory time, this employee is able to allow sick leave to accumulate and be used for those times when her children are not well enough to go daycare.

In 1996, the city of Atlanta hosted the Summer Olympics. Several of the Olympic events were held in and around Athens, which required the campus to be closed. With UGA closed, faculty and staff were unable to work and were forced to use their accrued leave time to avoid being in a leave-without-pay status. In the months preceding the Olympics, our non-exempt staff accumulated compensatory time to offset the time they would be unable to work because of the games. This allowed employees to keep their accrued leave intact and in some cases, prevented staff from having to go on leave without pay because they did not have much accumulated annual leave.

While neither of these examples is extraordinary in its application, each clearly demonstrates the flexibility that is provided through a compensatory time program. Unfortunately, only public sector colleges and universities can offer these programs. Private colleges and universities are prohibited from offering these programs to their employees. While private institutions offer a variety of work-life policies, situations arise on a campus in which the employee would benefit if the institution had the ability to offer compensatory time off instead of pay in overtime situations. I can recall several examples while at Davidson College where the use of compensatory time would have been extremely helpful to employees. Let me provide you with two examples:

The Davidson College admissions office staff work long hours during December and January, earning overtime pay. On several occasions, non-exempt employees in the admissions office have asked about the possibility of receiving compensatory time instead of overtime pay. Several members of the staff wished to accumulate compensatory time to use later during the spring — after the completion of the stressful admission process. As Davidson's director of human resources, I had no option but to instruct the vice president of admissions to continue the payment of overtime.

During the 2000 calendar year, an extremely hard-working catering assistant who worked overtime on a weekly basis at the college was diagnosed with cancer. Time off for chemotherapy and then radiation treatments quickly consumed all of this employee's vacation and sick leave and forced the employee into a long-term disability status. If Davidson College had been permitted under the FLSA to offer this employee the choice of receiving pay or compensatory time for hours worked beyond 40, this particular individual, while still able to work, may have chosen to receive compensatory time to extend the period of time he was able to stay in a full pay status with the college.

This is just a sampling of the kinds of situations that arise on private campuses each week, cases in which the ability of someone to accumulate compensatory time would be beneficial to employees. I am not saying compensatory time will be the answer for everyone. But while I was at Davidson, employees regularly requested greater flexibility in work arrangements to better cope with pressing family, personal and professional development needs. The use of compensatory time can provide that flexibility.

Recently, a senior HR officer at another private university relayed to me that:

We regularly get requests from our hourly wage staff or their managers responding to staff questions to consider comp time in lieu of overtime pay, often in the context of workplace flexibility. Work schedule flexibility can be a challenge for hourly staff, in that their work is frequently more dependent on workplace presence with particular schedules. So in times when excess time is worked, the option to provide comp time when schedules can be flexed gives the wage earner more flexibility. It can make a difference in the work-life balance, in ways such as, “I have an hour of overtime this week, can I take time off later in the next week to leave work early or take time during the day to take care of personal tasks?” It may mean that the employee uses less of his or her sick leave or personal days if some flexibility for comp time is provided within a pay period rather than a pay week.

Similarly, another CUPA-HR member, who is also a senior HR officer at a private university, told me:

Private institutions would appreciate the same comp time benefit as that offered to public entities. Because we do not have this flexibility, we often find ourselves unable to accommodate special requests when an employee knows they need to be out a few hours one week and would like to make up the hours another time so as not to have to use hours from a paid leave account that they are saving for something else. For our university, there are annual events such as commencement where the workload is heavy the week of commencement and very light in the weeks following. The availability of comp time in these situations could work to the benefit of employees and employer alike. While we have a generous paid leave plan, it just makes sense to give employees compensable work flexibility depending upon their needs and the needs of the institution. Managed responsibly, it is a win-win.

Based on my personal experience as an HR officer and my conversations with CUPA-HR members, the request for comp time frequently comes from single parents. Second in frequency is from those who are dealing with catastrophic illness. Higher education institutions generally have very generous paid leave benefits. But comp time is one more way to assist and support employees during a tough time in their personal lives when they want to work but require a little more flexibility.

As the associate vice president for human resources at UGA, offering employees the choice of compensatory time or pay for overtime situations meant some extra administrative duties for my staff and other departments of the university — keeping track of time earned, explaining to employees their option of choosing compensatory time versus overtime pay, and scheduling the time off. Even with the additional recordkeeping requirements and paperwork burden placed on the university’s administrative staff, I was pleased that UGA provided employees the option to choose between accruing compensatory time or receiving overtime pay. We offered this choice

not only for altruistic reasons, but it helped UGA meet its academic mission. CUPA-HR members from public universities have similar sentiment, regularly informing me that, while tracking and paperwork poses challenges, they are pleased to be able to offer compensatory time to their employees.

From my perspective, having worked for both a public and a private university in human resources and as the president of an association representing HR in higher education, I believe employees at private universities should be afforded the same flexibility that their public sector counterparts enjoy to help meet their own work-family needs by allowing all employees the opportunity to have the choice between compensatory time and overtime pay.

Mr. Chairman, thank you again for the opportunity to comment and offer CUPA-HR's support to the Working Families Flexibility Act. I will be happy to answer any questions from you or other members of the Committee.