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Rep. George Miller (D-CA) Opening Statement for the Markup of H.R. 1406

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. George Miller (D-CA), the senior Democratic member of the House Committee on Education and the Workforce for the committee markup on H.R. 1406.

Chairman Kline, the committee meets this morning on a bill that would do significant harm to American workers. Despite H.R. 1406's title, this bill will not provide greater flexibility to working families. It's really about working more and getting less at the end of the week.

Today's workforce is confronting two major problems that H.R. 1406 will make decidedly worse.

The first problem is pay. Wages have stagnated. As a share of national income, workers' earnings have fallen to their lowest level in 50 years, while corporate profits have risen to their highest share. The bottom line is that America's workers need a raise. But this bill gives them a pay cut.

Under current law, if a worker works overtime, she gets those hours paid at a premium rate in the next paycheck. Under H.R. 1406, she would work those overtime hours for free with the hope - not the guarantee - that the employer will give her paid time off when she needs it.

Effectively, this bill asks workers to work extra hours and give their employers an interest-free loan.

It also discourages employers from giving workers raises if they have accrued unused comp time. And the bill does not include adequate protections for workers who are fired or see their schedules cut because they refuse to take comp time in lieu of overtime pay.

These workers rely on overtime hours to supplement their regular income. Under this bill, that pay is now at risk.

The second major problem confronting today's workforce is how to balance work and family. Especially with women now making up half the workforce while still serving as primary caregivers, these issues have taken on new urgency.

Working mothers and fathers want and need greater control over their lives, so that they can pay the bills and see their families. They increasingly have caretaking responsibilities for both children and elderly parents.

They need flexibility.

But this bill is not about providing employees with greater flexibility. It's about providing employers with greater flexibility.

Employers already have flexibility to provide all workers with paid or unpaid comp time.

The one thing employers cannot do today is fail to pay hourly workers overtime compensation after 40 hours in a workweek. By lifting that prohibition, H.R. 1406 makes it cheaper for employers to demand excessive work hours from their employees.

That means less predictability in a worker's schedule. That means less time at home with her family.

And, as she earns a bank of comp time hours in lieu of overtime pay, she is not guaranteed the right to take it when she needs it. The employer will ultimately get to decide.

There are better ways to ensure more family-friendly workplaces. And Congress doesn't have to take away workers' overtime pay to do it.

We should work to emulate those companies that already offer paid time off, including paid sick days, family leave and even comp time, without messing with the 40-hour workweek.

It's already happening at the state and local level. Connecticut, San Francisco, Washington, D.C., and Seattle have successfully implemented paid sick days for

workers in those jurisdictions. And soon, New York City and Portland, Oregon will have their own similar laws in place.

These laws do not undermine families' income and have not slowed economic growth. According to a study by The Drum Major Institute, San Francisco has grown jobs and businesses faster than surrounding counties that do not have a paid-sick leave law.

There are also a number of Democratic proposals that would increase wages and improve working conditions.

When more families are struggling to make ends meet, let's raise the minimum wage.

When women make 77 cents for every dollar made by their male counterparts, let's guarantee equal pay for equal work.

When only 11 percent of workers have access to paid family leave, let's offer job-protected and paid leave for all workers.

And, when more than 40 million workers cannot earn paid sick days, let's finally offer our nation's workers paid-sick leave as outlined in the Healthy Families Act.

The Healthy Families Act would allow employees to earn up to seven job-protected paid sick days each year – all without taking away anyone's right to overtime pay.

These are good proposals that will work for families and the nation's economy.

Finally, our friends on the other side of the aisle claim that they have addressed deep concerns raised about this legislation in the past. But I can't find a single change in this bill.

It looks exactly the same as it did when first passed by the House in the summer of 1996, and exactly the same as reintroduced in 2003. It's just the same old bill. It was not good policy for working families then, and it is not good policy now.

H.R. 1406 doesn't make life work, it makes life worse. I urge my colleagues to reject this bill.

Instead of a misguided attack on the 40-hour workweek, we should update our work-family laws to reflect the changes in our society. Undermining workers' paychecks or making their work schedules less predictable is no way to support working families.

Thank you, and I yield back.

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