

The Honorable John Kline
Chairman
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

The Honorable George Miller
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Re: The Working Families Flexibility Act, H.R. 1406

April 16, 2013

Dear Chairman Kline and Ranking Member Miller,

I am writing to voice the North Carolina Justice Center's concerns about the Working Families Flexibility Act (H.R. 1406), which allows employers to offer comp time instead of time-and-a-half pay to hourly, non-supervisory workers who work over 40 hours per week. Despite its name, the Act would not address the existing struggles many workers face to meet the demands of work and family. Instead, it would be a pay cut for workers without a guarantee of time.

The North Carolina Justice Center is a non-profit organization whose mission is to eliminate poverty in North Carolina by ensuring that every household in the state has access to the resources, services and treatment it needs in order to enjoy economic security. We regularly represent low-income workers who rely on overtime wages to make ends meet. We also co-coordinate NC Families Care, a coalition working toward true family-friendly policies such as Family and Medical Leave (FMLA) expansion and paid leave.

The Working Families Flexibility Act has a number of flaws that could harm the economic security of workers and the stability of families. By trading time for pay, the proposal would likely increase involuntary overtime. In fact, the proposal provides an incentive for long hours, which flies in the face of the intentions behind the Fair Labor Standards Act (FLSA). In essence, workers could only spend more time with their families after being forced to spend more time away from their families.

Under the proposal, the employer also has the final say over when the comp time may be used, which makes it difficult for employees to use the time when they need it most. And employees, under the proposal, have no protections for recouping the value of their banked comp time if an employer goes out of business or goes bankrupt. Unfortunately, in our still struggling economic recovery, bankruptcy is not uncommon. But the employee should not have to lose the value of worked hours when bankruptcies occur.

Workers do need more time and flexibility on the job. In North Carolina, almost 1.2 million residents are family caregivers for adult family members or friends. And the vast majority of children have all parents in the workforce. Despite these caregiving responsibilities, North Carolina, along with many other states, lacks true work-family protections that allow workers to meet their responsibilities at home while being productive employees.

Nearly half of North Carolina's private-sector workers lack access to a single paid sick day and almost 90 percent lack access to paid family or medical leave. In order to value families' contributions at home and at work, we need policies like the Healthy Family Act, which would provide workers the right to earn up to seven paid sick days each year. We need Family and Medical Leave Act expansions to guarantee job-protection to more workers, including those who work in smaller businesses and for those who work part-time. And we need a national paid family and medical leave insurance system that would provide crucial income replacement for workers who need a limited amount of time to care for a new family member, to care for an ill family member, or to address her/his own serious health condition.

The North Carolina Justice Center strongly supports work-family policies, but the Working Families Flexibility Act sets up a false dichotomy between time and money in an economy when working families need both.

Sincerely,

Sabine Schoenbach

Policy Analyst, NC Justice Center's Workers' Rights Project
Co-Coordinator, NC Families Care