

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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May 17, 2017

United States Senate
Washington, DC 20510

Dear Senator:

On behalf of the 1.4 million active members of the International Brotherhood of Teamsters and their families, I want to express our strong opposition to S. 801 and H.R. 1180, the Working Families Flexibility Act of 2017, (also known as the “comp time” bill). The Teamsters Union does not support any legislation that would erode the forty-hour workweek protections afforded working men and women under the Fair Labor Standards Act (FLSA). We urge you to vote no on S. 801/H.R. 1180 should these bills be considered by the Senate.

The FLSA currently requires employers to pay workers a premium rate, time-and-a-half cash, for hours worked in excess of 40 hours per week. S. 801/H.R. 1180 would amend the FLSA to allow employers to pay workers nothing for overtime work – in exchange for a promise of compensatory time off in the future.

Current FLSA overtime provisions, by guaranteeing workers premium pay if they work beyond a forty-hour week, protect workers from having to work extremely long hours and assure them fair compensation. The overtime premium requirement also provides an incentive for businesses to create additional jobs to the extent more work exists than can be accomplished within the normal workweek.

Proponents of the "comp time" bills assert that the legislation is designed to help working people balance their work and family responsibilities. This is a ruse. Its real purpose is to give employers a tool to drive down wages. S. 801/H.R. 1180, which amends the FLSA to permit compensatory time for overtime hours worked, would undermine the forty-hour workweek, result in longer hours for workers, and threaten the existence of overtime pay and paid leave.

S. 801/H.R. 1180 may save employers money, but they are costly for working families in more ways than one. Millions of employees would work longer hours for less, meaning less time for their families and less income to support them.

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The issue here is not giving employees more control over their work lives; it is more control for employers and less money for working people. The legislation provides flexibility for employers, not for workers. Under these bills, workers would have no right to take compensatory time off at all. Under S. 801/H.R. 1180, workers have no absolute right to take time off when they want or need to.

Employers do not avail themselves of the flexibility that the law now provides for scheduling work. The FLSA currently allows employers to give workers time off whenever they please, and to arrange flexible work schedules.

S. 801/H.R. 1180 (“comp time”) would be a pay cut for millions of working families. It's a sad fact that millions of workers depend on overtime pay to maintain a modest standard of living. And, for too many working families, overtime pay is often the difference between making ends meet and falling behind. The bill provides no meaningful protection against employers requiring workers to take time off rather than cash. It offers no protection whatsoever against employers giving overtime only to workers who agree to take time off instead of cash. An employer who wants to “pay” for overtime work in compensatory time and not cash will find a way to influence workers to accept that arrangement.

The forty-hour workweek is the benchmark schedule working men and women use to maintain time for their families and normalcy in their lives. Current overtime requirements encourage employers to hire more workers instead of pushing current employees to work excessive overtime hours. Indeed, the FLSA is the tried-and-true, bedrock family friendly statute. And, the requirement that employers pay a cash premium for overtime is the FLSA’s only incentive for employers to adhere to a 40-hour workweek.

Yes, workers deserve more time with their families. But, S. 801/H.R. 1180 does not address the real problem facing working families – the need for improved wages and less time at the workplace so there can be more time at home.

The Teamsters Union urges you to oppose the so-called “Working Families Flexibility Act of 2017.” We ask that you vote no on S. 801/H.R. 1180 should this legislation be considered by the Senate.

Sincerely,


James P. Hoffa
General President