



July 23, 2018

Congressman Tim Walberg
Chairman, Subcommittee on Health, Employment,
Labor, and Pensions
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Congressman Gregorio Kilili Camacho Sablan
Ranking Member, Subcommittee on Health,
Employment, Labor, and Pensions
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Walberg and Ranking Member Sablan,

On behalf of the more than 170,000 bipartisan members and supporters of the American Association of University Women (AAUW), I would like to thank you for the opportunity to submit this letter in advance of the Subcommittee's hearing on the Workflex in the 21st Century Act (H.R. 4219). I respectfully ask that this letter be included in the hearing record.

AAUW is committed to increasing the availability of and access to a high standard of benefits and policies that promote work-life balance, which are critical to achieve economic self-sufficiency for all women.¹ This bill, however, would create new loopholes that would let businesses decide whether to be exempt from state and local laws regarding paid sick days, fair scheduling, and other flexible work arrangements. Such a policy undermines local and state governmental decisions, as well as jeopardizes worker protections and public health. Therefore, AAUW urges Representatives to oppose the Workflex in the 21st Century Act (H.R. 4219).

Nationwide, 48.9 million individuals provide care for an adult family member or friend, and more than 70 percent of those care recipients are over the age of 50.² In addition, 37 million private sector workers in the United States,³ including more than 22 million working women, do not have paid sick days,⁴ and as a result more than half of working mothers report that they must miss work and often go without pay when caring for a sick child.⁵ This means that workers often have to make tough decisions, including jeopardizing their employment or going to work sick. Low-wage workers are especially hard hit.⁶ In addition, for those who work in public facing roles, such as food service and hospitality, the decision to go to work while sick endangers public health. For many of these same workers, a lack of fair and predictable scheduling practices also prevents them from managing basic expenses or doing things like arranging child care. The case is clear, workers need earned sick days, fair scheduling, and other flexible work protections in order to meet the demands of their health, the health of their families, and the obligations of work.

Unfortunately, the misnamed Workflex in the 21st Century Act (H.R. 4219) is not an improvement for working families. The bill purportedly provides workers more flexibility and time off. In reality, however, H.R. 4219 allows businesses that meet certain requirements to circumvent state and local paid sick days and fair scheduling laws. This is a misguided attempt at providing employees with what they really need – protections to care for themselves and their loved ones without losing their jobs. There are several major flaws with the legislation:

- Forty-four locations in the United States, including ten states, have or will soon have paid sick days laws in place.⁷ H.R. 4219 may take away the earned sick days guarantees for these millions of individuals and impede innovation in other locations.
- H.R. 4219 is not a “paid leave” law, as some describe it. Strong paid sick time laws, supported by AAUW at the local, state, and federal levels, provide predictability and a guarantee of dedicated time off, ensuring that workers can use the paid sick time they earn to care for themselves or for a loved one. H.R. 4219 would give employers the option to deny workers the ability to use their time and potentially allow for an inadequate number of earned days than necessary to support workers’ caregiving and health needs.
- Many paid sick days laws guarantee workers the right to earn paid time to address situations of domestic or sexual violence. H.R. 4219 would eliminate these guarantees at the employers’ discretion, disproportionately harming women and families.
- Current paid sick time laws provide guarantees that workers will not face negative consequences for taking paid sick time. H.R. 4219 would eliminate non-retaliation protections for workers who experience an unpredictable illness-related absence or need to modify their schedule to accommodate other caregiving responsibilities.
- Current state and local paid sick days are largely structured such that large multi-state or multi-city employers can implement policies across jurisdictions to comply with differing state and local laws. Because H.R. 4219 would give those corporations a path to avoid these state and local laws, workers would receive benefits different than those expected in their locality and smaller companies abiding by these laws would see a more uneven playing field. This bill would hurt the communities and customers that small businesses serve and give larger businesses further advantages in the marketplace.

At a time when more than 37 million people in the United States still do not have access to paid sick days, lawmakers must protect the advancements we’ve made at the state and local levels on paid sick days, not roll them back as H.R. 4219 would do.

Instead of supporting misguided proposals such as H.R. 4219, AAUW urges Congress to advance the policies workers and families need. AAUW supports the Healthy Families Act (H.R. 1516), the Schedules That Work Act (H.R. 2942), and the Family and Medical Insurance Leave (FAMILY) Act (H.R. 947). We urge you to support these bills and to oppose H.R. 4219.

- The Family and Medical Insurance Leave (FAMILY) Act (H.R. 947) would establish a self-funding paid family and medical insurance program. A national paid leave program would help to eliminate employees’ fears of losing their jobs or risking their economic security in order to take necessary time off work for serious health conditions or caregiving purposes. The FAMILY Act would provide workers with up to 12 weeks of partial income replacement, is funded by small employee and employer payroll contributions, and builds on the success of several state paid family and medical leave programs.
- The Healthy Families Act (H.R. 1516) would ensure workers in businesses with 15 or more employees can earn up to seven job-protected paid sick days each year to be used to recover from their own illness, access preventive care, or provide care for a sick family member. When workers have access to paid sick days, they are able to care for themselves and are less likely to send sick

children to school or to daycare, reducing the potential of making others sick and causing unnecessary health care costs. These protections are particularly important for low-wage workers who often have to make tough decisions, including jeopardizing their employment or going to work while ill. The Healthy Families Act (H.R. 1516) would ensure that working families can meet their health and financial needs while improving productivity and strengthening the economy.

- The Schedules That Work Act (H.R. 2942) gives people an opportunity to work with employers to shape their work schedules and limits the volatile scheduling practices that are widespread in many industries. Uncertain and wildly variable work schedules undermine workers' efforts to care for their families or meet other obligations outside of the workplace. The ensuing income volatility can also make it difficult for working families to budget for basic needs like food, housing, and utilities. The Schedules That Work Act (H.R. 2942) improves work scheduling practices for many, providing workers with the right to request a schedule change without fear of retaliation.

Again, AAUW urges Representatives to oppose H.R. 4219 and instead advance the policies workers and families need. Cosponsorship and votes associated with this legislation may be scored in the AAUW Action Fund *Congressional Voting Record for the 115th Congress*. Please contact Anne Hedgepeth, director of federal policy, at 202/785-7724, if you have any questions.

Sincerely,



Deborah J. Vagins
Senior Vice President, Public Policy and Research

cc: Members of the House Subcommittee on Health, Employment, Labor, and Pensions

¹ AAUW. (2017). *AAUW Public Policy Priorities*. www.aauw.org/resource/principles-and-priorities.

² National Alliance for Caregiving and AARP. (2009) Executive Summary. Caregiving in the U.S.: Findings From the National Caregiver Survey. www.caregiving.org/data/CaregivingUSAllAgesExecSum.pdf.

³ National Partnership for Women and Families. (2017). *Paid Sick Days: Busting Common Myths With Facts and Evidence*. www.nationalpartnership.org/research-library/work-family/psd/busting-the-myths-about-paid-sick-days.pdf

⁴ Institute for Women's Policy Research. (2017). *Women and Paid Sick Days: Crucial for Family Well-Being*. iwpr.org/publications/women-and-paid-sick-days-crucial-for-family-well-being.

⁵ Institute for Women's Policy Research. (2011). *Paid Sick Day Access Rates by Gender and Race/Ethnicity*. iwpr.org/publications/paid-sick-day-access-rates-by-gender-and-raceethnicity-2010.

⁶ U.S. Department of Labor, Bureau of Labor Statistics. (2012). *Employee benefits in the United States*. www.bls.gov/ncs/ebs/sp/ebnr0018.pdf.

⁷ National Partnership for Women & Families. (2018). *Current Paid Sick Days Laws*. <http://www.nationalpartnership.org/research-library/work-family/psd/current-paid-sick-days-laws.pdf>.