



April 26, 2018

Dear Representative:

On behalf of the more than 170,000 bipartisan members and supporters of the American Association of University Women (AAUW), I write to urge you to oppose the Workflex in the 21st Century Act (H.R. 4219). This bill would create a new loophole 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 governments, as well as jeopardizes worker protections and public health. AAUW urges the Representative to oppose H.R. 4219.

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 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, more than 22 million working women do not have paid sick days,³ 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.⁴ 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.⁵ 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. 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. 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 evade 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 locations in the United States, including eight states, have or will soon have paid sick days laws in place.⁶ H.R. 4219 may take away the earned sick days guarantees for these 13 million people and impede innovation in other locations.
- H.R. 4219 is not a “paid leave” law, as some claim. 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 structured similarly, allowing for multi-state or multi-city employers to implement policies across jurisdictions to comply with differing state and local laws. H.R. 4219 would undermine these practices, changing the benefits employees receive from those expected in their locality. 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 a single paid sick day, lawmakers must protect the advancements we've made at the state and local levels on paid sick days, not gutting them like 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) which would ensure workers have access to earned sick days, the Schedules That Work Act (H.R. 2942) which would set strong national fair scheduling standards, and the Family and Medical Insurance Leave (FAMILY) Act (H.R. 947) which would establish a paid family and medical insurance program for all workers. We urge you to support these bills and to oppose H.R. 4219.

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, interim vice president of public policy and government relations, at 202/785-7724, if you have any questions.

Sincerely,



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

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 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.

⁴ 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.

⁵ U.S. Department of Labor, Bureau of Labor Statistics. (2012). *Employee benefits in the United States*. www.bls.gov/ncs/ebs/sp/ebnr0018.pdf.

⁶ National Partnership for Women & Families. (2018). *Rhode Island Becomes Eighth State with a Paid Sick Days Law*. www.nationalpartnership.org/blog/paid-sick-days/rhode-island-becomes-eighth-state-with-a-paid-sick-days-law.html.