July 9, 2014

U.S. House of Representatives
Washington, D.C. 20515


Dear Representative:

With the House poised to take up the Fiscal 2015 Energy-Water Appropriations bill (H.R. 4923), I am writing to urge you to vote against an [amendment introduced by Rep. Keith Ellison](D-MN) that would automatically blacklist large federal contractors with Fair Labor Standards Act (FLSA) violations in the past 5 years.

Though this will be billed as a pro-worker initiative, Rep. Ellison’s amendment would accomplish just the opposite by preventing employers from entering into or renewing their contracts with the federal government in FY2015. The effect would be to put in jeopardy those workers whose jobs are tied to their employer's federal contracts. This amendment would act as an automatic, potentially multi-year debarment of federal contractors, while entirely circumventing long-standing and proven suspension and debarment procedures that are part of the federal contracting process. Moreover, the amendment completely ignores those penalties and remedies that are already available under the Fair Labor Standards Act, including double back pay awards for those employees affected by the violation.

It should be further noted that the 1938 Fair Labor Standards Act's requirements are in many instances so vague and outdated that even the Department of Labor itself, which enforces the law, has a difficult time complying with it. In fact, the Department’s inability to distinguish between who is and who is not exempt from the FLSA's overtime requirements resulted in a grievance brought against it by more than 1,900 employees, that was ultimately settled by awarding of back pay to a number of them. Should this result in the defunding of the Department of Labor?

The amendment has been previously introduced as a rider on a number of recent appropriations bills, but received virtually no substantive debate. This time around we believe it warrants a much closer examination and should be rejected.

HR Policy Association represents 360 senior HR executives of large companies doing business in the United States, employing over 9 percent of the private sector workforce. A majority of our member companies are federal contractors and many would be negatively impacted by this legislation along with their employees. As H.R. 4923 is debated today and tomorrow, we urge you to consider the impact this would have on government contracting jobs in your district and vote to block this badly conceived amendment.

If there are questions or concerns we can address, please feel free to reach out to me.

Sincerely,

Alec Wescott
Director of Government Relations
HR Policy Association
o. 202-315-5518
c. 781-475-8584
awescott@hrpolicy.org