

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2503**

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June 2, 2003

Honorable Elaine L. Chao  
Secretary  
Department of Labor  
Washington, D.C. 20210

Dear Secretary Chao:

I am writing on behalf of the more than 80 million working men and women in this country who benefit from the overtime pay protections of the Fair Labor Standards Act (FLSA). The recent proposal advanced by your Department and the related legislation pending in Congress – both supported by the Bush Administration – would roll back the decades of progress our country has made in ensuring a fair day's pay for a fair day's work.

The Department's proposal and the Republican legislation in Congress represent a one-two punch for working Americans. Your proposal would unfairly deny overtime benefits to hundreds of thousands of American workers by allowing employers to classify them as exempt from FLSA overtime guarantees. The pending legislative plan would allow unscrupulous businesses to require employees working 40+ hours to be repaid with time off, with no pay – all at the convenience of their employers. This is simply unfair and inconsistent with the work values we should strive to achieve in this country.

The Economic Policy Forum, a business-sponsored organization, estimates that workers are cheated out of \$19 billion a year in overtime pay. One out of every ten American workers entitled to overtime pay do not get what they earned. The Administration-backed House plan would empower businesses to make their workers work longer hours, with even less pay, and have less flexibility than they have now to take time off. How can we say this helps working families?

I have met with countless men and women who have used overtime wages to cover their family's living expenses – while just as many have chosen to receive compensatory time to visit their child's school or care for an elderly parent. We must preserve the right of workers to select how they will be compensated for overtime hours. Men and women are struggling to make ends meet in a economy that continues to decline. Now is not the time to increase the number of workers exempt from overtime protections, while weakening the rights of those still eligible. Unfortunately, the proposals supported by the Administration are lacking in substance, fairness, and compassion to American families.

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As House Democratic Leader, I fought efforts to scale back overtime pay protections. I am ready, willing, and able to join with Democrats to do so again. I urge you to reconsider this misguided idea, and work in a bipartisan way to put the working family before the corporate personnel officer. Thank you for your consideration. I look forward to your reply.

Sincerely,

A handwritten signature in black ink that reads "Dick Gephardt". The signature is written in a cursive, flowing style.

Richard A. Gephardt  
Member of Congress