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COUNTY OF SAN DIEGO

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DATE: AUGUST 25, 1992

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Subject: CBC Members of Labor Committee

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COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES
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SUBCOMMITTEE ON LABOR STANDARDS

August 24, 1992

Mr. John Stroger
President
National Association of Counties
440 First Street, NW
Eighth Floor
Washington, D.C. 20001

Dear Commissioner Stroger:

I am writing to invite the National Association of Counties to testify at a Subcommittee hearing on the application of the overtime provisions of the Fair Labor Standards Act to certain employees of state and local governments in the wake of recent judicial rulings in the 9th Federal Circuit Court of Appeals. Our hearing will convene at 2:00 p.m., Wednesday, September 16, 1992, in room 2257 of the Rayburn House Office Building.

The Subcommittee hopes to provide a neutral forum where a full and fair discussion of this issue will contribute to better awareness and a more complete understanding of the current situation. Testimony from labor and management will be sought, along with the U.S. Department of Labor (DOL). This should allow the presentation of a variety of viewpoints; from those who are satisfied with the status quo, through those who believe that local governments can largely avoid future problems and primarily speculative liability by modifying their public payroll systems, to those who believe there is a national crisis which demands immediate Federal legislative relief.

As an organization representing public sector employers, the National Association of Counties will be grouped with a panel of witnesses from similar organizations. Consequently, it would be most efficient if the groups on the same panel coordinate their oral presentations so as to avoid repeating the same background or legal history surrounding ABSHIRE and its progeny. This will allow more time to discuss the actual or speculative impact of current FLSA overtime standards on your members and, of course, permit more time for questions from the Subcommittee Members.

In order to better understand the circumstances that have produced the current situation, it would be appreciated if the National Association of Counties' testimony included a report on the extent to which members have undertaken modifications to questionable payroll practices to alleviate overtime liability, the incidence, frequency and result of consultations with DOL in pursuit of a regulatory relief, and involvement in drafting discussions leading to an Administration sponsored legislative remedy.

All organizations invited to testify must notify the Subcommittee in writing by September 4 that the organization will be accepting this invitation. The notice of acceptance must identify the witness who will appear for the organization on September 16 as well as a very brief biography that includes a description of current responsibilities.

See enclosed Subcommittee Rules regarding oral and written testimony. In order to allow Subcommittee Members and Committee staff adequate time to prepare for a productive hearing during the last weeks of a busy Congressional schedule, written statements encompassing all aspects of subsequent oral testimony must be received in the Subcommittee offices by noon, Friday, September 11, 1992. Any organization or witness which fails to observe the stated deadlines for the submission of testimony will not be allowed to testify at the hearing.

We look forward to the opportunity to learn from the experience of the National Association of Counties.

Very truly yours,

AUSTIN J. MURPHY
Chairman

AJM/jcr
Enclosures