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Hon. Kweisi Mfume
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

DRAFT

Dear Congressman Mfume:

Thank you for your kind attention to my presentation to the CBC yesterday. I appreciate your offer to discuss the Public Employer FLSA problem with Chairman Austin Murphy.

This problem affects every U.S. City and County. It was my intent to seek the assistance of the CBC, but I also wanted to alert each of you to a problem that has tremendous potential for **POLITICAL** liability to you as incumbents in your reelection campaigns. Interpretation of the FLSA as **FEDERAL** law is the cause of the problem I presented. I am sorry that time prevented me from clearing up some of the misunderstanding that some of your members expressed. With that in mind please consider the following points:

- We in San Diego County are pro-labor. We want our hourly employees protected by FLSA. The only exemptions that are causing trouble, and which we need to have exempted, are for our "highly paid" professional employees. (For example $115,000) insert (A)

- As a taxpayer funded public institution, we keep time records on everyone; even myself. This is the common process historically used by State and local governments. It is absolutely necessary that the public remains confident that we know where our employees are at all times. This is especially important now, when public confidence in government at all levels is at an all time low. In some states the keeping of time records for all employees is mandated by constitutional mandate, or otherwise by law.

- When the FLSA was enacted, state and local governments had no way of knowing that keeping of time records would make us liable for overtime payment to our highly compensated employees. The Federal Government was our only example, and they kept time records for employees at all salary levels. When we lost our suit the public sector was shocked, to learn that traditional public sector personnel practices could be considered nonconforming by anyone.

- Regardless of present legal or academic debates on the subject, Court interpretations of the law are now hemorrhaging state and local government budgets. When I told the CBC that our potential liability is greater that discretionary funds in our budget, this meant that this issue alone puts us on the edge of bankruptcy. Never mind the other critical problems we face to remain solvent; this issue alone will eventually break the system. insert (B)

We need immediate legislative help. Even if the U.S. Department of Labor provides regulatory relief, we still have the retroactive liability to face. Anything the CBC can do to help their own Cities and Counties will benefit the entire public sector. I will make myself available to provide any information or assistance you may require.

Thank you for your consideration.

Sincerely,

Leon Williams