

AFL-CIO

LEGISLATIVE ALERT

November 20, 2025

Dear Chairman Walberg, Ranking Member Scott and Members of the House Education and Workforce Committee:

On behalf of the 15 million workers and 64 affiliate unions represented by the AFL-CIO, I urge you to oppose the three bills scheduled for markup today: the Working Families Flexibility Act (H.R. 2870), the Tipped Employee Protection Act (H.R. 2312), and the Ensuring Workers Get PAID Act of 2025 (H.R. 2299).

H.R. 2870, the Working Families Flexibility Act, would erode longstanding overtime protections by encouraging the substitution of comp time for overtime pay and by creating incentives and pressure for workers to forgo the wages they have already earned. It provides no guarantee that workers can actually use their accrued time when they need it, allowing employers to deny or delay requests, rescind approved leave, or replace existing paid leave policies with weaker alternatives. Instead of increasing flexibility, the bill risks lower pay, less control over schedules, and greater vulnerability to wage theft. The Healthy Families Act led by Representative DeLauro offers a far stronger and more reliable approach by ensuring workers have access to job-protected sick and safe leave.

H.R. 2312, the Tipped Employee Protection Act, would broaden the definition of “tipped employee” by allowing employers to classify workers as tipped subminimum wage employees if they receive any amount of tips over an employer selected period, ranging from daily to monthly. Replacing the long-standing “customarily and regularly” standard with employer-selected time frames would make pay less predictable and increase the potential for underpayment or inconsistent wage practices, particularly in an industry that already includes many of the lowest paid occupations and where tips fluctuate from shift to shift. A more effective approach is the Raise the Wage Act led by Ranking Member Scott, which raises the federal minimum wage and phases out subminimum wages to create clearer, stable wage floors.

H.R. 2299, the Ensuring Workers Get PAID Act of 2025, would establish a permanent self-audit program allowing employers to identify and resolve minimum wage and overtime violations without penalties. Workers who accept back wages through this process would relinquish their right to bring private claims, and the program would limit the authority of the Department of Labor’s Wage and Hour Division to fully investigate violations. This model shifts enforcement power away from workers and weakens deterrence, allowing employers to secure legal releases under a process that may not capture the full extent of violations. Committee Members should instead support legislation such as the LET’S Protect Workers Act and the Wage Theft Prevention and Wage Recovery Act, both of which strengthen enforcement, penalties, and workers’ ability to recover stolen wages.

Sincerely,



Jody Calemine
Director, Government Affairs