

More Work, Less Pay -- They Call It Family Time Flexibility
Steve Lopez, Los Angeles Times
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You're working longer and enjoying it less, aren't you?

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While you were watching the war, Congress and the White House blindsided you with a couple of moves that could end up meaning you'll work longer hours and get paid even less. I missed the news, but Joe Robinson, a Santa Monica agitator who runs a workers' rights campaign at <http://worktolive.info>, screamed for me to wake up.

I met Robinson three years ago, when he was on a crusade to get more vacation time for American workers. We're lucky to get two weeks a year while Europeans are sunning themselves on the Riviera for five weeks at a time.

Robinson's new book, "Work To Live," lances employers for giving modestly paid employees "management" titles to squeeze free overtime out of them. Now, he said, President George W. Bush and allies in Congress are waging "a full-scale assault on the 40-hour work week and the workers of America."

I'll start with the Bush administration's proposed changes in workplace regulations.

The good news is that Bush gives a break to low-wage earners. As it stands, you can make less than \$20,000 a year in, say, a fast-food joint, and get cheated out of overtime pay because you're "management." Bush is proposing that anyone earning less than \$22,100 a year be eligible for overtime.

But nurses, engineers, pharmacists and many other white-collar professionals wouldn't make out as well. Bush wants to broaden the definition of management for middle-class workers, particularly those earning more than \$65,000 a year, so more people can be forced to work overtime without pay.

"It's an absolute disaster for white-collar workers who deserve protection," said Nick Clark of the United Food and Commercial Workers Union.

Jill Hess of Irvine knows what he's talking about. She was in middle management at Mervyn's department store in the late 1990s and saw her workday expand as hourly workers under her got canned.

"We were salaried and we could be given as many responsibilities and as much work as humanly possible," she says, which often meant 80 hours a week with no overtime pay. "There was a great deal of pressure on us and we'd get voicemails saying you can't go home until this or that gets done, and the quality of life was just

Steve Lopez

Columnist Steve Lopez joined the staff of The Times in May 2001, after four years at Time Inc. where he wrote for Time, Sports Illustrated, Life and Entertainment Weekly as editor-at-large.

While at Time, he helped establish the Bonus Section, a series of narrative news features. His first story in the series, about the French capture of Philadelphia hippie guru and suspected murderer Ira Einhorn, won a Society of Professional Journalists Award for national magazines.



He also was the author of Time magazine's "Campaign diary," a road journal filed during the 2000-01 presidential campaign; and of the weekly, "American Scene" column, for which he traveled the United States.

Prior to joining Time Inc., Lopez was a columnist at The Philadelphia Inquirer, where he won the H.L. Mencken Writing Award, the Ernie Pyle Award for human interest writing and a National Headliner Award for column writing. During his 12 years at the Inquirer, he filed dispatches from Iraq, Bosnia, Colombia and the Soviet Union.

His earlier newspaper jobs were at the San Jose Mercury News, the Oakland Tribune and three other daily newspapers in Northern California.

He is the author of three novels, "Third and Indiana," "The Sunday Macaroni Club," and "In the Clear." A collection of his columns is published in the book "Land of Giants: Where No Good Deed Goes Unpunished."

Lopez is married and has two sons.

unbelievably difficult.”

Hess, the single mother of two children, finally stood up and screamed, “I’m not going to take it anymore!” She was featured in Robinson’s book as the lead plaintiff in a successful class-action suit against the owner of Mervyn’s.

Now let me tell you what Congress is up to. Last week, a House committee voted 27-22 to approve a Bush-backed bill that would alter the Fair Labor Standards Act, giving employers more latitude to avoid paying overtime to hourly employees.

Let’s say you’re on the production staff at a movie studio. If this bill is approved, your studio could offer you compensation time instead of overtime pay, just as government agencies now offer their employees.

It sounds fair enough, at first. And the bill is cleverly being marketed as the Family Time Flexibility Act, suggesting that Mom and Dad can trade overtime pay for more time with Junior. Backers of the bill by Rep. Judy Biggert (R-Ill.) are even trying to get this thing wrapped up by Mother’s Day as a gift to Mom.

Hey, Ma. We’re going to give you the option of forfeiting overtime pay for months on end, but go ahead and take a couple weeks off next fall.

Happy Mother’s Day.

Here’s the problem: One reason Mom and Dad are working overtime in the first place is to pay for Junior’s diapers, Cocoa Krispies and doctor bills, because too many jobs in this pot-hole economy don’t cut it. For a lot of parents, overtime pay is the only way to get by, or they’d be home at a normal hour.

Some employees will no doubt prefer comp time to extra pay. But who do you think is going to get an overtime assignment from the boss if one employee says pay me now, and the other is happy to take an IOU? Under this bill, the boss can wait up to 13 months to pay out the comp time.

“Employees are in effect being asked to give a no-interest loan to their employer,” argued U.S. Rep. George Miller (D-Martinez), who voted against the bill.

Miller said 200,000 American businesses went belly up in the year 2000. So you might bank a month of comp time and then be left standing around in Bermuda shorts when your company hits the skids and the plane leaves without you for Hawaii.

Do you hire an attorney, and if so, what does that do to your job prospects, your pocketbook, and your Family Time Flexibility?

“What’s so ironic,” says Robinson, “is that this is all coming from a president who leaves his office at 6 o’clock in the middle of a war and takes a month off every year.”

Actually, Bush is onto something.

“All the extra hours aren’t even productive,” Robinson says. “MRI scans of fatigued brains look exactly like ones that are sound asleep. One study showed that someone who works seven 50-hour weeks in a row will get no more done than if they worked seven 40-hour weeks.”

I’m out of here.

Just realized I’ve been here 10 hours.

I’m not even going to fini ...

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