



April 22nd, 2013

Honorable John Kline
Chairman, Committee Education and Workforce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Established in 1882, the National Funeral Directors Association represents more than 13,000 funeral homes and over 20,000 licensed funeral directors and embalmers in all 50 states and in over 20 countries worldwide. The average NFDA member is an independently owned and operated business with fewer than 10 employees and has been in the same family for over 60 years. NFDA is the leading funeral service organization in the United States and around the world, providing a national and international voice for the profession.

NFDA would like to add our strong support for H.R. 1406, the "*Working Families Flexibility Act of 2013*". For many years, NFDA has advocated that private sector employers and employees have available compensatory time off as an option in much the same way as public sector employees have now. As you know, under current law, only public sector employees can receive compensatory time off in lieu of monetary overtime compensation. With certain exemptions for those serving in an executive, administrative or professional capacity, this right does not extend to the private sector. Any violation of this law carries significant penalties.

In 1938, the Fair Labor Standards Act was written for a marketplace primarily comprised of manufacturing firms. This demographic has dramatically changed. Today, private enterprise is dominated by service and high technology industries and the lines between white and blue-collar workers have been blurred. While labor unions dominated the past in terms of workers' rights, today's worker wants more control over his/her work schedule. Since small business creates more than 70% of today's jobs, the ability for small employers to give their workers more flexibility by providing them with the choice of overtime pay or compensatory time to ease the burdens of juggling work and personal responsibilities in a fluctuating business cycle is critical. This is especially true for funeral service with its erratic and long working hours and its uncertain business cycle. Moreover, it is a 24 hour, 365 days a year operation. In the case of a funeral home, it is very hard for funeral service employees to balance family and business life due to their unique circumstances.

In that regard, NFDA strongly supports H.R. 1406 which would allow any employer to make compensatory time available as an option for any and all employees regardless of their status under the Wage and Hour law and regulations.

Thank you for considering our comments. Please feel free to contact me if you have any further questions.

Sincerely,

John H. Fitch, Jr.

John H. Fitch, Jr.
Senior Vice President, Advocacy
National Funeral Directors Association