

December 8, 2022

The Honorable Nancy Pelosi Speaker House of Representatives H-232, The Capitol Washington, DC 20515	The Honorable Kevin McCarthy Minority Leader House of Representatives H-204, The Capitol Washington, DC 20515
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Dear Speaker Pelosi and Minority Leader McCarthy:

We write to you today as the members of the Congressional Progressive Staff Association (CPSA) to urge you to act before the conclusion of the 117th Congress to provide staff with fair and transparent overtime provisions. As staffers in the legislative branch workforce, we write to share our own views and opinions, not those of our employers.

Under currently adopted statute it is unclear what, if any, overtime pay requirements apply to congressional staff. Indeed, in a September 28, 2022 announcement, the Office of Congressional Workplace Rights (OCWR) described current regulation as “woefully inadequate.”<sup>1</sup> OCWR also announced a recommended update to Congress’s overtime regulations that would provide staff with the overtime protections in the Fair Labor Standards Act (FLSA).<sup>2</sup> Enactment of these regulations requires a simple House resolution.

As you know, OCWR proposed updated overtime regulations to fulfill its mandate under the Congressional Accountability Act of 1995, which requires that OCWR’s Board of Directors “propose substantive regulations implementing the FLSA overtime requirements” that are “the same as substantive regulations promulgated by the Secretary of Labor.”<sup>3</sup>

Twenty-seven years ago, Congress made a promise to provide fair compensation to staff working overtime. It is time to fulfill that promise and offer legislative branch workers parity with workers in the executive branch and private sector.

While we encourage a thoughtful discussion on which House staff may be exempt from overtime pay requirements in the FLSA, we respectfully remind you that staff currently cannot even be considered for exemption because we are not protected under FLSA’s overtime provisions.

Established overtime provisions are an essential protection for congressional staff who often work long hours both by choice and necessity to help their members of Congress serve their constituents. In a survey conducted by CPSA during the 117th Congress, 59 percent of respondents reported working more than 50 hours a week, including 54 percent of non-

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<sup>1</sup> <https://www.ocwr.gov/wp-content/uploads/2022/09/Press-Release-Adoption-of-FLSA-Regs-Sept-2022-FINAL.pdf>

<sup>2</sup> <https://www.congress.gov/117/crec/2022/09/28/168/157/CREC-2022-09-28.pdf#page=83>

<sup>3</sup> Ibid.

management staff.<sup>4</sup> 91 percent of respondents reported either working on weeknights after the office had closed or on weekends.<sup>5</sup>

Furthermore, inadequate worker protections for congressional staff contribute to institutional issues facing Congress. CPSA surveys have found that fully 50 percent of non-management staff struggle to pay their bills and 39 percent of respondents currently or previously have taken out loans to make ends meet.<sup>6</sup> Last year, staff turnover reached a two-decade high.<sup>7</sup>

We are deeply thankful for both House Leadership's and the full House's efforts during the 117th Congress to address the challenging working conditions facing congressional staff. The 21 percent increase to the Members' Representational Allowance (MRA), which returned the MRA to 2010 levels, along with a salary pay floor and the right to organize were much appreciated improvements that have tangibly affected the lives of thousands of House staff. After receiving raises spurred by the increased MRA, 55 percent of surveyed staff reported to CPSA that they were somewhat or much more likely to stay in Congress.<sup>8</sup> We note however, that welcome as those raises were, they were not distributed evenly. The average raise reported shortly after the MRA increase was 20 percent, 12 percent, 40 percent, and 14 percent lower for Asian American Pacific Islander, Black, Middle Eastern and North African, and Latinx staffers respectively, compared to the average white staffer's raise.<sup>9</sup> CPSA welcomes the opportunity to work with House Leadership to address these continuing disparities.

With only a handful of days remaining on this year's legislative calendar, the House has the opportunity to offer long overdue overtime protections to its staff. For these regulations to come into effect, they must be approved separately or collectively by each chamber of Congress. We encourage the House to move swiftly to provide its staff the same rights as those protecting other workers, and we urge that this measure be included in any legislative vehicle set to become law during the remainder of the 117th Congress.

We welcome the opportunity to discuss the importance of overtime provisions for congressional staff further. Please direct all responses and questions to the Congressional Progressive Staff Association's Steering Committee at [CPSA.info@mail.house.gov](mailto:CPSA.info@mail.house.gov).

To provide anonymity to our membership, we have included signatories' initials below.

Sincerely,

Congressional Progressive Staff Association  
Congressional Workers Union  
Initialed Signatories

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<https://static1.squarespace.com/static/616b86c93a6fd661d131ee40/t/61f08a1ce6f4ed211c8d51d6/1643153948206/CPSA+Briefing.pdf>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> <https://about.bgov.com/news/staff-departures-hit-two-decade-high-as-congress-seeks-remedies/>

<sup>8</sup> <https://docs.google.com/presentation/d/1qarVQjoy93dSIgm4s9tdIUfiCtjp-oozpy1KExtf8-Q/edit?usp=sharing>

<sup>9</sup> Ibid.

MAC	KS	ZB	ME	JL	TD
JLMC	MJY	DPP	BG	AS	HS
JW	KD	RD	ARC	JB	AH
BC	RZ	AB	JW	JD	C.H.
HA	CRM	SL	BA	NT	CCK
TPR	MCA	PB	GS	FE	TH
AT	VE	CK	OHS	SF	ALC
AK	DA	WM	SYS	MS	CHV
JM	SEG	EA	LB	FW	CS
CC	MM	HK	ESP	CLW	MR
LLG	PH	SW	SJ	SB	EGG
AA	JF	CRL	RM	AK	RM
SD	SCR	RR	YT	AE	LS
GF	LK	DRB	AP	JJ	RARV
JS	SML	MM	AF	MD	RM
NM	JM	HP	MC	MTR	SMcL.
MWR	MP	ED	JW	EMN	MB
MKM	Jdg	SMA	BGL	JV	TSD
SPG	TW	SM	AG	LLO	KB
VV	DC	AK	N.M	GM	JHS
JJ	JH	MHS	CF	ZST	JG
c.s.	BJB	BB	SJS	JR	EC
SD	SJ	AC	Jk	BH	NS
HM	SKG	Sen	DLT	RF	JH
DJH	DEF	RL	CV	NB	DNH
SC	SK	AH	RA	AP	MG
CW	AR	MC	IB	LJ	Y.I.
AM	CB	MS	CJ	AG	AM
TD	BI	AC	AA	SH	APS
DM	jj	NT	AC	CJM	MR
NS	LCW	ES	JG	NML	MA
CMM	KMW	P.O.	JWG	MB	
TA	SA	LR	CH	SA	
SL	JA	DM	MF	DS	
MK	KD	KR	VMC	RE	
SRSIV	DR	ALC	MG	HDJ	
NW	LP	AG	JIH	LS	
JRP	FP	SM	JOE	TRJ	