



1201 16th Street, NW | Washington, DC 20036 | Phone: (202) 833-4000

Rebecca S. Pringle
President

Princess R. Moss
Vice President

Noel Candelaria
Secretary-Treasurer

Kim A. Anderson
Executive Director

June 15, 2021

Education and Labor Committee
U.S. House of Representatives
Washington, DC

Dear Representative:

On behalf of our 3 million members and the 50 million students they serve, we would like to submit the following comments for the record of the June 9 hearing, "Examining the Policies and Priorities of the U.S. Department of Labor." Our education-specific priorities include:

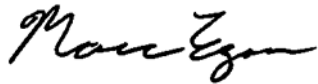
- **Removing the regulatory teacher exception from the salary threshold test.** Since 1966, when the Fair Labor Standards Act (FLSA) was first applied to the public sector, the U.S. Department of Labor has taken the regulatory position that teachers qualify as professionals no matter how little they earn. Except for doctors and lawyers, other professionals are exempt from FLSA wage and hour protections only if their salaries exceed a specified amount.
- **Addressing the teacher shortage and need to diversify the teaching profession through well-designed apprenticeship and other programs.** The nearly 800,000 paraeducators in the K-12 workforce are educated (66 percent have a bachelor's degree, associate's degree or some college) and motivated to pursue full teacher certification (20 percent say they would like to become a teacher). They are also more diverse than the teaching workforce (40 percent of paraeducators are persons of color and 88 percent are women). The Department of Labor should use its resources and expertise to build a pipeline for paraeducators to advance to teaching jobs in the school systems and communities where they already work.
- **Withdrawing the proposed Intermediate Labor Organization rule that would subject NEA affiliates representing only public sector employees to onerous Labor-Management Reporting and Disclosure Act (LMRDA) requirements.** The previous administration proposed resurrecting this misguided rule first proposed during the Bush era. The Department of Labor has not yet formally withdrawn the proposed rule and should do so.
- **Issuing an infectious disease temporary emergency standard.** Once the COVID-19 pandemic has passed, the nation will need to be prepared for future pandemics likely to

pose health and safety challenges to workers around the country. In light of that potential reality, the federal government needs to mandate basic health and safety protections.

- **Call for a fair resolution of long-running dispute with the Department of Defense Education Authority (DoDEA).** Two years ago, an impartial arbitrator found that DoDEA acted illegally when it unilaterally implemented a contract for stateside educators—which included 24 hours of unpaid work per academic quarter—and ordered DoDEA to revert to the previous, legally valid contract. DoDEA refused to follow the arbitrator’s ruling and appealed to the Federal Labor Relations Authority. DoDEA recently exacerbated the issue by requiring educators to work an extra hour early in the morning two days each week—a change that has adversely affected educators and their own children. This issue needs to be resolved as soon as possible, preferably before the new school year starts in July.

We thank you for the opportunity to submit these comments and stand ready to help implement the recommended changes.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan
Director of Government Relations
National Education Association