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November 28, 2023

Education and the Workforce Subcommittee on Workforce Protections
U.S. House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of the National Education Association's 3 million members and the 50 million students they teach and support in public schools and colleges, we submit these comments for the Subcommittee on Workforce Protection's November 29 hearing on the Department of Labor's proposed overtime rule.

NEA members overwhelmingly support the Department of Labor's proposed rule change. Our members, who work in public education as teachers, education support professionals (ESPs), and higher education faculty and staff, see the significant stress and harm that poverty and economic insecurity impose on students and families. Children struggle in school when they are hungry, and then have no choice but to return home to face homework and other responsibilities on their own because parents are working two or three jobs to make ends meet.

Educators know firsthand, by virtue of their expertise and experience, that [poverty is one of the most significant social determinants of health](#), and [childhood poverty can have profound negative impacts on academic achievement](#) and students' well-being. By raising take-home pay and providing better compensation for the long hours millions of Americans work, the Department's proposed regulation supports children and families.

Many NEA members also would be impacted by the proposed increase in the salary threshold. These include the ESPs who keep students physically and emotionally healthy, safe, and engaged; support students requiring specialized interventions; and help students transition from educational settings to the workforce. Para-educators, food service workers, custodians, clerical and administrative staff, transportation workers, technology service employees, security services staff, health and student services workers, and skilled trades workers are among those who would benefit.

However, NEA members believe that the "[teacher exclusion](#)"—which denies teachers overtime protections regardless of how little they are paid, or even whether they are paid on a salary basis—must be changed. This exclusion categorizes teachers with highly compensated lawyers and doctors, despite the enormous differences in their pay. Ensuring that teachers are treated the same as other similarly educated professionals is particularly urgent, given America's current [teacher shortage](#); according to federal data, 53% of public schools reported being understaffed at the beginning of 2022-23. Low pay and the "teacher pay penalty" are key drivers of this crisis, with teachers already experiencing the largest wage gap in 60 years compared to peers in other professions.

In conclusion, NEA strongly supports the Department of Labor's proposed update to the salary threshold, which will raise the floor for millions of workers. We will continue to work with the Department to eliminate the teacher exclusion from FLSA regulations, so that teachers—who devote their careers to uplifting other people's children—can improve their own families' circumstances as well.

Sincerely,

Marc Egan
Director of Government Relations
National Education Association