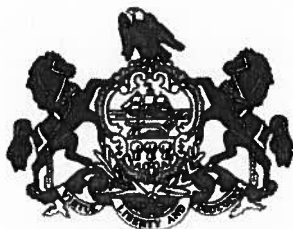


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July 6, 2011

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MEMORANDUM

TO: All House Members
FROM: Representative Sheryl M. Delozier
SUBJECT: Co-sponsorship of Legislation

Please find attached legislation that I will be introducing in the immediate future to amend the Pennsylvania Minimum Wage Act to permit employees of air carriers to work more than 40 hours in a week, without being paid overtime, through voluntary agreement amongst the employees. The purpose of this bill is to enable airline employees to have the flexibility to voluntarily trade scheduled work hours with fellow employees that may result in an unbalanced work week. Airline employees in 42 of 50 states already have similar flexibility to do voluntarily shift swapping as is being proposed in this legislation. Because the airline business is so dynamic and has operations that work every minute of every day of every year, the industry needs this exemption for this flexibility. According to the industry, and as reflected in other states, many employees want to have the opportunity to be able to trade hours voluntarily with fellow employees; the flexibility allows them to address personal issues.

This legislation is proposing to exempt airline employees ONLY from the 40 hour per week overtime provisions and ONLY if the employee accrued overtime is due to a voluntary agreement among employees to trade scheduled work hours. This provision will not be used if the company is requiring overtime work. If an airline requires overtime, management will authorize overtime and will pay the appropriate compensation for that overtime.

Similar legislation unanimously passed in the State of Minnesota earlier this year without any opposition. In addition, similar legislation has also recently been introduced in the State of Rhode Island as well. It is important to note that Section 213(b) (3) of the federal Fair Labor Standards Act already provides an exemption for airline employees from its overtime provision. Thus, my legislation will modernize our law in this area to allow what federal law already permits. The airline carriers operating in this state (including Delta, U.S. Air, and Southwest) are comfortable with this language.

If you would like to cosponsor this legislation, please contact Jennifer Haines in my office at 717-783-5282 or jhaines@pahousegop.com.