

Statement of  
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Subcommittee on Workforce Protections

Hearing on  
“H.R. 1180, Working Families Flexibility Act”  
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## **Introduction**

Good morning Chairman Byrne, Ranking Member Takano and distinguished members of the Committee. My name is Leslie Christ, and I serve as the Chief Resource Officer at WellStone Behavioral Health, where I have worked for the last 18 years. I am honored to be here today to share my thoughts on H.R. 1180, the Working Families Flexibility Act, including how it would benefit my employees at WellStone.

By way of introduction, I have over 25 years of experience in human resources (HR) and have been a member of the Society for Human Resource Management (SHRM) for 12 years. I have earned the SHRM Certified Professional certification along with numerous other industry certifications.

Prior to my career in HR, I served our country as a logistics officer in the United States Army Reserves and the Alabama National Guard. During my 24 years of military service, I was additionally trained in mortuary affairs, achieving the rank of major and serving in Operation Iraqi Freedom in Kuwait as the Theater Mortuary Affairs Officer, for which I was awarded the Bronze Star Medal and the Global War on Terrorism Service Medal.

In my testimony, I will share details about WellStone Behavioral Health’s services, mission and benefits. I will also discuss our committed workforce and how I believe my organization and our employees would benefit from compensatory, or “comp,” time as outlined in the Working Families Flexibility Act.

## **About WellStone Behavioral Health**

WellStone Behavioral Health is the doing business name of the Huntsville Madison County Mental Health Board located in Huntsville, Alabama, which held its first meeting in April of 1969. The organization’s creation was a direct result of the

Alabama Legislature passing Act 310, which authorized the formation of regional mental health boards across the state.

WellStone is a public non-profit community mental health center with 300 employees. In 2016, we served over 9,000 clients with over 197,000 service hours from our employees. In terms of our workforce, roughly 63 percent of our staff are non-exempt, hourly employees; women make up the majority of our workforce, accounting for 72 percent of our total employee population; and 37 percent of our staff are under the age of 37.

Our organization treats clients with serious emotional disturbances, mental illnesses and/or substance use issues. Our mission is to restore hope and healthy living by providing comprehensive behavioral health services in the community. To achieve our mission, we provide a pre-school day treatment program, school-based services, outreach services, outpatient clinical and medical care for both children and adults, as well as Adult Residential and Acute Care programs.

Group Homes for Adults are also available, and living arrangements are staffed by WellStone's clinical support personnel 24 hours a day, 7 days a week, 365 days a year to assist with issues related to the residents' behavioral health conditions. These dedicated professionals assist our clients with basic living skills needed to move to more independent living situations. Our Acute Care facilities, which also operate every hour of every day, assist with stabilization of behavioral health crisis conditions that require inpatient treatment.

### **WellStone Benefits and Work-Life Programs**

As you can see, our dedicated employees provide critical mental health services to members of our community during times of crisis. Because we are a health care facility, we are particularly cognizant of our employees' health and well-being and firmly believe it is essential to take care of oneself in order to take care of others. As such, WellStone offers many benefits, including paid leave and flexibility offerings, to support our employees and their diverse work-life needs. Below, I have outlined a few of the benefits and programs that have resulted in WellStone receiving the "Family Friendly Business Award" from the National Children's Advocacy Center and being nominated several times as a "Best Place to Work."

**Flexible Work Arrangements** – One way we assist our employees in navigating their work and family needs is by offering flexible work arrangements, including compressed work weeks, alternative or flexible work hours, and a time-off plan. Under this program, an employee who needs time off but doesn't have enough leave to cover the absence may work more hours on other days within the pay week to cover the absence. For example, an employee who normally works 8:00 a.m. to 5:00 p.m. Monday through Friday but needs to take Friday off could shorten his or her lunch breaks or come in early or stay later Monday through Thursday to cover the time off on Friday. In addition, some of our Group Home staff members who may desire time off but do not have enough leave to

cover the absences may swap shifts with other employees. WellStone works with each employee by being creative in ensuring employees may take time off from work to care for their families and themselves while being paid.

**Paid-Time-Off (PTO) Program** – In 2015, we moved away from offering traditional paid sick leave and paid annual leave to offer a PTO program to provide our employees with a more flexible approach to time off rather than restricting the use of paid leave to specific categories. Employees who work 30 hours or more each week earn PTO at a rate determined by both the number of hours worked and length of service. For example, an employee working 40 hours per week for the first 5 years earns 3 weeks of paid leave; 4 weeks is provided for employees working 40 hours per week who have been employed between 6 and 10 years; and employees working 40 hours per week with more than 10 years of service receive 5 weeks of paid leave. WellStone also has no cap on PTO balances, so an employee is permitted to continue to accrue leave instead of having to “use it or lose it.” This is valuable to many of our employees who have families abroad and use the accrued leave to take a month or two off to travel.

**Other Paid Leave Options** – WellStone also provides both short- and long-term-disability plans; up to 3 days of paid bereavement leave; the difference between military employees’ military pay and civilian pay for a period of 21 days; and 9 paid holidays.

**Health Care and Other Benefits** – WellStone pays 90 percent of the premium cost of health insurance for our employees. We also provide employees supplemental accident, cancer and critical illness plans with built-in wellness benefits, plus cafeteria/flexible benefit plans for dependent care, medical reimbursement and outside supplemental plans for premium reimbursements, as well as clinical/medical licensure reimbursement, clinical supervision for licensure and professional development opportunities.

**Retirement Benefits** – We provide a defined benefit pension plan for employees in which employees are vested after 10 years. We also provide a 457(b) / 401(a) retirement plan in which our organization matches a portion of each employee’s retirement contributions and the employee is completely vested after 5 years of employment.

In addition to the programs outlined above, WellStone has an annual event to recognize employee tenure and longevity with the organization, providing both monetary bonus awards and gifts to employees reaching milestones of continuous employment. Staff retreats, luncheons and family activities throughout the year help us promote teamwork, collaboration and “fun” time.

### **WellStone’s Workforce**

After working at WellStone for over 18 years, I can tell you that our employees are not at WellStone for the pay; rather, they are there because they have a passion for their work and our overall mission. In fact, the average salary of our workforce is between \$30,000 and \$32,000 per year. Our top-notch benefits and employee/family-friendly culture are vital to recruiting and retaining quality team members. In fact, we

have a high percentage of employees who left the organization over the years to pursue higher compensation but returned because of WellStone's commitment to its workforce, both in terms of the benefits offered and our willingness to work with every employee to support their specific work-life needs.

Earlier in my statement, I quoted WellStone's mission statement to "restore hope and healthy living" to our clients, and, Mr. Chairman, this philosophy extends to our staff as well. Our core values shape how we behave and are known as the "3 Cs": We are **CARING** and compassionate toward those impacted by behavioral health disorders. We are **COMMITTED** and dedicated to one another through collaboration and teamwork. Lastly, we exhibit a **CAN-DO** attitude as optimistic problem-solvers who do what it takes to get the job done.

For example, it is not unusual for some of our employees to work on weekends, going to clients' homes to ensure that they take their medications or responding to calls from local law enforcement to assess a community member who may need mental health assistance. Our employees routinely fill in for shifts when needed in the Group Homes, which often means addressing a crisis that extends their workday. I am proud to say that WellStone employees go above and beyond in fulfilling client and community needs, oftentimes putting client needs before their own.

### **Compensable ("Comp") Time and H.R. 1180**

In the early 1990s, I worked for the Alabama Department of Industrial Relations, where I first encountered state employees who could use compensable, or "comp," time. This option, which has been available to federal, state and local government employees for almost 40 years, allows employees the choice to receive overtime pay for more than 40 hours worked in a week or to "bank" paid leave and use it at a later date. Just as each hour of work over 40 hours is paid at a rate of one and a half times the employee's regular rate of pay, paid time off accrues at a rate of one and a half hours for each hour of overtime worked. While I was a temporary employee at the time and did not earn leave, I witnessed the added flexibility comp time afforded these state employees who could decide for themselves whether to bank paid leave to fit their work-life needs or to receive the overtime pay.

Since coming to WellStone many years ago, I have often reflected on the above experience with comp time and contemplated how beneficial this option would be for many WellStone employees, especially since overtime is a regular occurrence in our Group Homes and Acute Care settings, given that they must be staffed every hour of every day. Overtime is also prevalent in other departments, whether in janitorial services, clerical or technology, where we have staff shortages or "planned overtime" when we need to finish a major computer project. Below, I provide three examples of recent situations where I am confident WellStone employees would have benefited from the voluntary **option** of having access to comp time.

- 1.) **Clerical Staff** – Recently, we had a major computer endeavor where we needed to reconfigure payor sources in our electronic medical records to maximize insurance payments. One of our dedicated clerical staff, who was relatively new to the organization at the time and learned she was pregnant shortly after starting at WellStone, volunteered to work on this project. It was clear that given her recent hire date and the date of the child’s anticipated birth, she would not have enough leave accrued to cover her 6-week absence from work, as our short-term disability for new mothers requires at least 6 months’ tenure to be eligible. While working on this project, she incurred significant overtime and asked me if she could “waive” the overtime to “credit” her that time so she could receive pay during her maternity leave. I had to explain to her that we were unable to do so because it was against the law. It was difficult conveying this message to this single-mom-to-be, who felt she should be allowed the option to choose for herself whether to take the overtime pay or paid leave when her child was born.
  
- 2.) **Acute Care Employee** – My son, who works as an on-call employee at our Acute Care facility and therefore is not eligible for WellStone’s PTO program, attends a local college and is studying to become a nurse. During school breaks, he sometimes works for multiple staff and therefore earns overtime pay. When he earns overtime pay, like any 18-year-old living at home, he spends it. If he were provided the option to choose comp time, my son has told me he would take it to have a leave “savings plan,” where he could accumulate this time and a half and receive a lump sum at the end of year if he did not need the paid time off. Knowing that he could choose to no longer participate in the comp time plan, as outlined in H.R. 1180, should he need the overtime pay at some point is another reason this comp time option is attractive to my son.
  
- 3.) **WellStone Staff Who Interact with State Employees** – Many WellStone employees work side by side with Huntsville Police Department officers, who do benefit from the option of receiving overtime pay or comp time. In fact, we have Huntsville police officers that work part time at our facility, so it is not uncommon for the officers to discuss this comp time arrangement with our staff. Therefore, WellStone employees come to me on a regular basis asking why we do not offer comp time as an option for staff members. These employees believe it is an organizational decision not to offer this flexibility, until I explain to them that the Fair Labor Standards Act prohibits this option for private-sector employers and employees, yet it is available for employees of federal, state and local governments. It is difficult for employees to understand why the rules are different for public or governmental agencies when they work so hard for our community.

Mr. Chairman, these are just a few recent examples that demonstrate WellStone employee interest in comp time, but there have been others and I expect there to be more inquiries going forward—and I suspect we are not alone. Every workplace is unique and

every workforce is diverse, and WellStone is no exception. Therefore, it is important that we have the ability to offer the same workplace flexibility options at my non-profit organization that are afforded to government employers.

I appreciate that Representative Martha Roby, from my home state of Alabama, has introduced H.R. 1180, the Working Families Flexibility Act, to allow all employers, including WellStone, the option of offering comp time to non-exempt employees. This reasonable legislation is voluntary for both employers and employees. While WellStone would certainly be interested in offering comp time if this bill were enacted, other organizations may not. Moreover, while I believe many of WellStone's hourly workers would choose to participate in a comp time program, it is important that this bill provides employees the *choice* of whether to take paid leave or cash wages for overtime hours worked. If an employee opted to participate in a comp time arrangement but later realized that overtime pay was a greater need, the employee would have the right to discontinue participation in the comp time program after giving written notice. This bill includes other important employee protections, including a requirement that an employer cash out any unused comp time at year's end at the higher of either the regular time-and-a-half rate at which time was earned or the final regular rate.

## **Conclusion**

Mr. Chairman, as I noted above, WellStone employees are committed to the mission of improving the health and well-being of our clients. Our employees are not driven by high salaries, but their time is very valuable to them. In fact, many of our employees live paycheck to paycheck. Employees are not guaranteed overtime weekly; therefore, our employees are not dependent on overtime as regular income. Currently in our Group Homes when there are shifts open, employees volunteer to work additional shifts, with some earning overtime and some receiving regular pay depending on the number of hours they worked that pay week. As previously stated, our culture of Caring, Commitment and Can-Do is important to us.

Imagine in January, an employee earns 30 hours of overtime and is paid the time and a half. Since the employee's budget is based on her regular pay, she has some "extra" money and spends it. In March, the same employee gets ill and ends up in the hospital for over three weeks. Because this was unexpected and she doesn't have enough leave, the employee goes without a full paycheck—or without a paycheck at all. How will she pay the rent, the hospital co-pay or her prescription drug expenses? This scenario could be avoided if the employee had the option of banking paid time off that could be used for emergencies like this or for any other reason. Similar scenarios have happened at WellStone.

My Chairman, employers like WellStone are always looking for ways to assist employees with their work-life fit and to drive recruitment, retention, engagement and productivity. Since no two workplaces are the same, it is important that employers have as many options as possible to support their unique workforces.

It would be helpful if our laws did not restrict our ability to offer flexible work options, including comp time, especially since it is an option that has worked well in the public sector for so many years. Congress has an opportunity to level the playing field for all employers and employees by advancing H.R. 1180 to give all a choice to offer and receive comp time.

Again, thank you for the opportunity to participate in today's hearing. I am happy to answer any questions you may have.