



May 23, 2022

The Honorable Mike Braun
404 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Braun:

I write to express the support of the National Retail Federation (NRF) for S. 3074, the Ensuring Workers Get PAID Act of 2021, which you recently introduced. This legislation would reinstate and codify the Department of Labor's (DOL) Payroll Audit Independent Determination (PAID) program, which allowed employers to self-audit, report, and correct potential violations of certain Fair Labor Standards Act (FLSA) regulations.

NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and internet retailers from the United States and more than 45 countries. Retail is the nation's largest private-sector employer, supporting one in four U.S. jobs — 52 million working Americans. Contributing \$3.9 trillion to annual GDP, retail is a daily barometer for the nation's economy.

Even the best-intention employer can run afoul of the countless federal, state, and local wage and hour regulations. Begun in March 2018, the PAID program was an efficient method for employers to conduct payroll self-audits and voluntarily self-report any potential violations of these notoriously complex regulations. Any errors could be quickly rectified, thus resolving claims and improving compliance. Under the program, employees received 100 percent of the back wages they were owed in a timely manner.

The "Ensuring Workers Get PAID Act" would make the PAID program permanent, ensuring that this option remains in place to support those employers who are willing to make good faith efforts to address FLSA compliance errors. If enacted, workers will receive any back wages they are owed if and when employers make mistakes – without the time and expense of litigation.

Thank you for your leadership on this important issue.

Sincerely,

A handwritten signature in black ink that reads "David French". The signature is stylized and cursive.

David French
Senior Vice President
Government Relations