

Statement of Andrew B. Rogers
Nominee for Administrator of the Wage and Hour Division
United States Department of Labor

Chairman Cassidy, Ranking Member Sanders, and distinguished members of the Committee.

Thank you for inviting us to appear before you today. I am grateful for the opportunity to discuss my nomination to be the Administrator of the Wage and Hour Division at the Department of Labor. As the father of two young daughters who will enter the workforce all too soon, I believe in a system in which they will be paid in a legally compliant way. And, if they open their own business at some point, I certainly hope the government provides the resources they need to ensure the same for their workers.

The Wage and Hour Division enforces some of America's most far-reaching and important statutes, including the Fair Labor Standards Act, the Family and Medical Leave Act, the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, and the Davis-Bacon Act, to name a few. The agency is also responsible for portions of several other federal laws on subjects ranging from immigration to wage garnishment. These laws affect workers and employers across nearly every industry in every region, state, and the territories. But they also impact workers' families and loved ones. I am both humbled and honored to have been nominated by President Trump to serve in this agency and its critical mission both to promote and achieve compliance with labor standards as well as protect and enhance the welfare of the nation's workforce.

I would like to thank my family, friends, and mentors—far too many to mention—who have generously supported and encouraged me throughout my life and career. My interest in the law began in middle school when a neighbor filed a lawsuit to erect a fence down the middle of our shared driveway. The case was tried to a jury in the Court of Common Pleas of Delaware County. There, as a sixth grader, I attended the final day of the trial, marveling most at the lawyers' arguments and the court's resolution of various issues. The interpretation and application of the law would evolve from a student's interest to a career—albeit not with respect to the law of property and easements.

Exposure to wage and hour issues came a few short years later while working as a 16-year-old counselor-in-training at a camp in Maine. Although our \$500 per summer plus room and board pay was far more generous than our peers at other camps, some groused that we were paid less—far less—than the minimum wage. Curious how this could be, I conducted some late-night research, eventually finding section 13 of the FLSA. While I cannot say for certain, I suspect I was the only teenager reading the FLSA fireside under the stars in Maine during the summer of 1995.

After law school I returned home to clerk for then-Chief Judge Bartle of the EDPA in Philadelphia. Of the many lessons I learned during those years, perhaps the most important was applying the law correctly, regardless of personal agreement with the outcome. This lesson followed me to Washington and the private practice of labor and employment law. Much of my practice focused on litigation, but a significant portion involved helping employers navigate the

nuances of wage and hour law, regulations, and policy without undermining their desired business outcomes. I have observed how complex wage and hour issues are navigated in the workplace—from the formulation of policies and practice to the ways common types of violations often occur to the best ways to resolve those errors.

While I believe that most employers try to comply with the law and that a significant number of minimum wage and overtime violations stem from an employer's sincere misunderstanding or lack of knowledge of the law, working in private practice and at both WHD and the EEOC has made equally clear that some employers intentionally or recklessly disregard the law to the detriment and harm of their workers.

My public service has given me a deep appreciation for the critical role the Wage and Hour Division plays in administering the laws Congress entrusted to its care—and the balanced dualism of the tools it uses. To execute its mission, WHD must develop and provide clear, consistent guidance on what the FLSA, FMLA, and other laws require so that employers of all sizes and means can confidently follow the law and focus on their businesses. Together, Wage and Hour's array of guidance lights the path for responsible employers to pay employees as the law requires.

At the same time, the Wage and Hour Division must simultaneously and rigorously enforce the law and ensure America's workers are paid the wages they earn, receive the leave to which they are entitled, and enjoy the myriad of other rights protected by statutes in its purview. The strength, effectiveness, speed, and credibility of the agency's enforcement efforts are augmented when the law's requirements—at least as the Wage and Hour Division understands them—are clearly set forth, explained, and illustrated.

The Wage and Hour Division is most effective when it is diligently pursuing and advancing both aspects of its purpose. Neither guidance nor enforcement succeeds alone, at least to its potential, when the other is deemphasized.

I am committed to a strategic approach that emphasizes transparency, fairness, and collaboration. That includes providing clear, reliable information to workers and employers alike, using data to drive enforcement, and engaging with stakeholders to make informed policy decisions. In approaching these challenges, I have always been informed by a wide range of differing opinions. I always welcome thoughtful analysis and interpretation: even if I ultimately disagree. If I am fortunate to be confirmed, I look forward to working with this Committee and with the dedicated professionals at the Department of Labor to promote economic opportunity for all American workers.

Thank you again, Chairman Cassidy, Ranking Member Sanders, and members of the Committee. I look forward to answering any questions you may have.