



August 18, 2022

The Honorable Henry Cuellar  
U.S. House of Representatives  
2372 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Elise Stefanik  
U.S. House of Representatives  
2211 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Cuellar and Representative Stefanik:

[SHRM](#) (the Society for Human Resource Management) supports H.R.8442, the Worker Flexibility and Choice Act, which establishes a new work arrangement combining the flexibility of independent work with certain workplace protections and opportunities for benefits. Our country's workforce policies must keep pace with rapidly changing workplace dynamics. HR professionals and business executives welcome initiatives that provide clarity and benefits workers.

This legislation aligns with the findings from SHRM and SAP SuccessFactors 2019 research on independent workers, which included motivations for individuals choosing to be independent workers and the value these workers add to the workplace. Independent workers' top motivating factors include setting their schedules and determining the number of hours they work and their location.<sup>1</sup> The research identified access to healthcare benefits, paid leave, and retirement contributions as factors when independent workers decide to work with certain companies.<sup>2</sup> HR professionals value the contribution of independent workers but have concerns regarding the uncertain legal landscape surrounding worker classification.<sup>3</sup> H.R. 8442 is a welcome step toward leveraging the top motivating factors for independent workers while providing access to protections desired by these workers and establishing some legal stability.

H.R. 8442 can be improved by clarifying what recordkeeping if any, is required by organizations entering into a worker flexibility agreement. We suggest that any recordkeeping required should conform with current record keeping requirements under the Fair Labor Standards Act and the Equal Pay Act to minimize any new complexity or burden for HR professionals.

H.R. 8442 creates a new worker flexibility agreement that clearly defines freedoms and flexibility, providing legal certainty for workers and HR professionals. SHRM thanks you for your work in introducing the Worker Flexibility and Choice Act. Our members are ready to be a resource for you in your efforts to improve work arrangements. Please contact us at any time we can be of assistance.

Sincerely,

Emily M. Dickens  
*Chief of Staff, Head of Government Affairs  
& Corporate Secretary*

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<sup>1</sup> [Want Your Business to Thrive? Cultivate Your External Talent](#)