long as doing so will not unduly disrupt the workplace. This program's particulars also track those of both the compensatory time off option and the biweekly work schedule program. Employees remain entitled to the same protections and remedies, agreement, accrual, withdrawal, and notice requirements.

These are all just merely required because the FLSA and the 40-hour work week are so rigid that it is very difficult for employees and employers to arrange things such that they can help employees to better manage the obligations of work and family.

The final provision of S. 4, the salary basis fix, may seem a bit arcane, but it is a very serious problem.

The fourth provision impacts the treatment of salaried employees rather than hourly wage employees.

The final portion of this legislation helps clarify a problem that has arisen under the ''salary basis'' test. In recent decisions, courts have clouded the salary basis test and caused unnecessary litigation and windfall awards for highly paid employees. This portion of the legislation simply clarifies who is and who is not an exempt employee to prevent additional unfair payments of overtime back pay to salaried employees.

Under the salary basis test, an employee is considered to be paid on a salary basis, and thus exempt from FLSA, if that employee regularly receives a straight salary. The FSLA provides that an exempt employee's salary cannot be—subject to reduction for absences of less than a day. A number of court cases, however, have interpreted this language to mean that the theoretical possibility of a salary being docked—that is, decreased—for an absence of less than a day is enough to destroy the employee's exemption even if that employee has never experienced an actual deduction.

It is one of those things where the Court has found something they believe to be an accurate interpretation of the law. When in fact it is not Congress' intent for the law to work this way. The impact that it has can be incredibly destructive.

For more than 5 decades the ''subject to'' language generated little or no controversy. In recent years, however, courts began to interpret the salary-basis standard, seizing upon the ''subject to'' language, large groups of employees, many of them who are highly compensated, have won multimillion-dollar judgments. These awards have been granted in spite of the fact that many of the plaintiff employees have never actually experienced a pay deduction of any kind and have never expected to receive overtime pay in addition to their ''executive administrative or professional'' salaries. This problem has been particularly onerous in the public sector.

I want to be clear that the bill is intended to clarify that an employee would not lose his or her exempt status just because his or her employer has a policy on the books that provides for a reduction in pay for absences of less than a full day or less than a full week. Those employees should remain exempt and this bill would ensure that happens. However, if an employee's salary was actually docked, the legislation would not affect the outcome as to that employee.

Again, I want to emphasize that if an employer docks the pay of a salaried employee, that employee could still lose his or her exempt status, but only if it has been docked.

The legislation also clarifies that employers may give bonuses and overtime payments to salaried employees without destroying their exemption from the FLSA. That is the opposite side of the equation.

Finally, Mr. President, while the FLSA was enacted to protect workers, many of today's work force view certain of the FLSA provisions as harmful rather than helpful. Given the overwhelming success of public sector programs which S. 4 is modelled after here, I believe it is important that Congress now extend the same freedom and flexibility to private workers.

Again, I emphasize this is voluntary for both parties. The flexible work schedules would give employees more control over their lives by giving them a better tool to balance their family and work obligations. Employers and hourly employees must be given the ability to reach agreement on flexible schedules beyond the standard of the inflexible 40-hour workweek and to bank compensatory time in lieu of cash overtime where such an agreement is mutually beneficial, and voluntarily entered into. Salary-basis reform for nonexempt employees would also increase flexibility options.

The FLSA should be amended to assist workers in balancing the needs of an evolving work environment and quality family time.

I thank most of all Senator ASHCROFT, who has been the leader in this fight and who has done an outstanding job of bringing the attention to this legislation, not only to the Members, but nationwide. I look forward to working with him and Senator DEWINE on this bill. Mr. President, as I discuss the wonderful provisions in this legislation I can't help but wonder why anybody could oppose it, but I expect that some of my colleagues will express a differing view.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Ohio is recognized.

Mr. DEWINE. Madam President and colleagues, let me first congratulate Senator JEFFORDS for bringing this bill to the floor and for a very eloquent statement about the merits of this bill. I see Senator ASHCROFT, who is the author of the bill, in the Chamber. I know he wishes to speak about the bill, as I do. I also see Senator KENNEDY, who wishes to speak as well. Before I begin to talk about this bill, I would like to talk about two other items.

SHERIFF RUSSELL A. BRADLEY

Mr. DEWINE. Madam President, I rise this morning to note the passing of a friend and former colleague. Russell A. Bradley died yesterday morning. It was to me rather ironic that as I heard the news, I was preparing to go to a Judiciary Committee hearing to talk about the crime problem in this country because Sheriff Bradley, Russell Bradley, was my home county sheriff for 30 years. Russell Bradley was a dedicated public servant, a great politician, and was my friend. Russell Bradley served as Greene County Sheriff from 1957 to 1987. For 30 years, Russ Bradley was the sheriff. Elected eight times, he built the Greene County sheriff's office into the professional organization that it is today and that today we, frankly, take for granted. It was not so when he became sheriff in January 1957.

I first met Russ Bradley when I was a young boy growing up in the village of Yellow Springs. Russ Bradley at that time was the chief of police. Russ Bradley was a person whom you would go to if you had a problem in the community. I remember talking with him, being with him, fishing with him when I was a very, very young boy. In 1956, when I was 9, Russ Bradley was elected county sheriff. He ran in the Republican primary and beat the incumbent, a shock to everyone across the county. Frankly, it was a shock to most of us who were his friends because we did not think he could win. That was the first of eight victories he won running for the office of sheriff in Greene County.

He remained sheriff long enough so that a 9-year-old boy who knew him when he was first elected had an opportunity to grow up, go away to college, go to law school, come back home and become assistant county prosecutor and then have the opportunity to work on a professional basis with Sheriff Bradley. I had a chance for a little over 2 years to serve as assistant county prosecutor, then to serve as the elected county prosecutor for 4 more years. I had the opportunity then to see this man whom I had known as a young boy, to see him up close and personal and work with him literally on a daily basis as we dealt with crime problems in our county.

Russ Bradley really taught a whole generation, really two generations of Greene County and Ohio public servants and politicians how to win elections. He was the person we watched, we copied, we emulated, we stole ideas from. He was literally the master and we were the students. He taught us how to campaign door to door and the significance of that, the tenacity to continue to do that night after night. He taught us how to work the county fair. He even taught us things such as how to go out and put your signs along the

road to make sure the signs were positioned in exactly the right position so that the headlights of the car would strike that sign just as you came around the corner. He had it all, he did it all, and he taught us very well.

The most important thing that he taught politicians and people in public office in our area was how to be a public servant. He taught us the essential lesson of politics, that public service is good politics and good politics is public service, and that the way to ensure being elected, the way to ensure being successful is always remember where you came from and always remember who you serve.

Russ Bradley was a person who was dedicated to service. He delivered service every single day. I remember talking to him when I was county prosecutor. He would say: Mike, you are worried about this and you are worried about that. The only thing you really have to worry about is giving people service. Give them what they are paying you to do. When anybody comes in here with a problem, you try to help them solve that problem. And even if you cannot solve it, if you try to help them solve the problem, that is what you should be doing.

That is a lesson I certainly have never forgotten.

Russ Bradley was a great investigator. I have been involved and seen an awful lot of people in law enforcement over my now quarter-of-a-century career. I have never seen anyone as good as Russ Bradley at heading up an investigation. The tougher the case, the better he was.

I remember many days going into his office as he assembled his team at 8 o'clock in the morning, his detectives and his road men. You have to keep in mind this was not a huge department. Our county is only 130,000, 135,000. But we would have, unfortunately, our share of murders, our share of very difficult cases. I remember him bringing people together every day, and he orchestrated how his men and women were to go out that day and continue to follow every lead they could come up with.

Russ Bradley knew what all people in law enforcement know. This is not a glamorous job. It is a tough job. It is hard work. It is grunt work, really, and following leads and being lucky if 1 out of 100 turns into anything. And if you are lucky, that 1 out of 100 turns into something else and you can keep trying to unravel the crime and try to put the puzzle together to solve the crime.

He was an expert at what, for want of a better word, I would call the drive-by shooting, the roadside murder where, when the police get there, the sheriff gets there, the only thing they can find is the body. There is just no other evidence at all. I have seen him take cases like that and reconstruct those cases and slowly build them week after week after week and ultimately lead to a conviction of the person who committed the murder.

Russ Bradley was the best I have known at getting a confession, and he managed to operate in the pre-Miranda days and in the post-Miranda days, which is quite an accomplishment. As Russ said, if anyone could get a confession, I could. If I couldn't get them, nobody could. He would laugh with people. He would cry with them. He would pray with them, whatever it took, but he would get that person's confidence and he would ultimately get that person to tell him what the facts were. He was a master at that.

Sheriff Bradley was also a great judge of people. When I would go into a case, the first thing, of course, you do in a case, as a prosecutor, you begin the process of selecting the jury. That is a judgment call of who you want to serve on that jury. I always wanted Russ Bradley right by my side to eyeball that jury and tell me who he thought would be a good juror, who he thought might not be such a good juror. He was able to do this, not only because he knew about everybody in the county or knew their sister or brother or cousin or somebody, but also because he was a consummate judge of human nature. He knew people very well and could size a person up, his or her character, what kind of people they were—he could do that probably better than just about anybody that I know or ever met.

This is a time to recall Sheriff Bradley, though it is not a time to be sad. I do not think anyone who knew Russ Bradley could think of Russ Bradley without smiling. He was someone who was a great practical jokester, someone who loved to laugh, someone who loved to hunt, someone who loved to fish, someone who loved to have a good time.

He was a tremendous coon hunter. I remember many mornings coming in and, as we were about to start a trial at 9 o'clock, in Judge Aultman's court or Judge Weber's court, the sheriff would come rolling in. I would meet him at the courtroom. I would look over and say, ''Russ, you been out coon hunting?''

He would say, ''Oh, no, just a little bit last night.''

Then it would come out from one of his deputies he had been up to 4 a.m., gone home, taken a shower, a little catnap, and was able to come into court raring to go. He was able to do that night after night.

Russ Bradley was once interviewed about his prowess as a coon hunter. He said: ''A coon hunter has got to be tough. There's a lot of them who can walk faster than I can, but not many who can walk longer than I can.''

Russ Bradley, a great coon hunter, a great fisherman, someone who liked to have a good time as well as someone who was a great politician and a great public servant. I pause at this point to remember my friend, Russ Bradley. There will never be another like him. He is someone who taught me a great deal over the years. He is someone whom we should honor. It was an honor for me to actually serve with him on a daily basis for 4 years when I was county prosecutor, but it was also, frankly, a lot of fun to serve with him as well. For the rest of my life I will have great memories of him, what kind of person he was and the fun that we had with him, all the time he continued to do an excellent job as our county sheriff.

HAITI

Mr. DEWINE. Madam President, let me at this point turn to another topic, which I believe is very timely. It has to do with a meeting that President Clinton is having tomorrow.

Madam President, President Clinton will be meeting tomorrow with President Preval of Haiti. This is a very important meeting. It is important because Haiti is at a crossroads and the United States needs to provide all the leadership it can to help Haiti choose the right path. In view of this important meeting, I think it is important to review Haiti's situation. I have visited the country of Haiti four times in the last 2 years, most recently just this past month. I have done so to examine the conditions there and to find out about the progress being made by U.S. policies in regard to that country.

Let me begin, if I could, by talking about the economy. The economy is today, as it has been for many years, to put it bluntly, in a shambles. Unemployment—no one knows how high the unemployment is, but it is said to be running at about a 65 percent rate. Privatization has yet to occur, but it is essential. It must occur if Haiti is to recover. While it has not occurred yet, the good news is the Haitian Government has announced a calendar for privatization, something we had not seen before the last several months. There is a calendar, there is a schedule. Everyone from President Preval, through the president of Haiti's central bank, to members of the legislature, all personally assured me that this privatization calendar will be maintained, it will be met. Privatization will, in fact, occur, they tell me, and guaranteed to me, while I was there, that this would happen.

Let me say, for the good of the people of that country, this privatization simply must begin to take place. The people of Haiti have to have jobs. They need hope. They are not going to have jobs, they are not going to have hope unless privatization begins, because it is only with privatization that they will be able to get the economy moving again. It is only by privatization that the climate will be created and the right signals will be sent to the world so the world community will begin to invest in Haiti. Promises will not create jobs. The people of Haiti have been fed on promises for two centuries. Only action will create jobs and only action will start to break this cycle of despair.

This privatization is important for basic economic reasons, but it is also