PARTNERSHIP TO PROTECT
WORKPLACE OPPORTUNITY

TO: The Honorable Paul Ryan
The Honorable Kevin McCarthy
The Honorable Steve Scalise
The Honorable John Kline

FROM: The Partnership to Protect Workplace Opportunity Management Committee

RE: Request for floor action on DOL Overtime Regulation

On behalf of the Partnership to Protect Workplace Opportunity (PPWO) and its 99 members representing employers, non-profits and the higher education community impacted by the Department of Labor's (DOL) overtime regulations, we appreciate your interest in this critical issue.

As you know, the DOL's changes to the Fair Labor Standards Act (FLSA) (81 Fed. Reg. 23391, May 23, 2016) will dramatically increase the minimum salary threshold for overtime eligible employees from $23,660 to $47,476 beginning on December 1, 2016. This massive, 100 percent increase in the salary threshold, which was created using questionable methodology and technical analysis, is the most far-reaching regulatory action taken by the DOL under the Obama Administration. Furthermore, the new regulation includes an automatic (i.e. without notice and comment, or any input from those impacted) escalator clause that will increase the threshold every three years. The Fair Labor Standards Act does not grant the DOL the authority to change the salary threshold in this way. The regulation will impact every single industry and the majority of employers in the U.S, without providing the purported benefits touted by the DOL.

For these reasons, the PPWO calls on the House of Representatives to take action immediately to address the harmful impacts of this regulation. Specifically, PPWO urges the full House to vote soon on H.R. 5813, the Overtime Reform and Enhancement Act (the only legislative vehicle with bipartisan support), in order to secure enactment prior to the regulation's effective date of December 1, 2016. H.R. 5813 would phase-in the salary threshold over three years, allowing employers more time to adjust to the necessary changes. Just as importantly, it would strike the automatic escalator provision, thereby requiring any future salary changes be made through notice and comment and allow for input from interested parties. Consideration of this bill is critically important to provide meaningful relief from the worst effects of this final rule for both employers and employees.

The PPWO and its diverse membership respectfully request that the House make passage of this bipartisan legislation a priority. The PPWO looks forward to working with you to achieve this goal.

Sincerely,

The PPWO Management Committee