



March 6, 2024

Dear Members of the House of Representatives:

The Partnership to Protect Workplace Opportunity (“PPWO” or “Partnership”) and the 84 undersigned organizations urge your support of H.R. 7367, the Overtime Pay Flexibility Act, which would prohibit the Department of Labor (“DOL”) from finalizing, implementing, or enforcing its proposed rule titled “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees,” published in the Federal Register on September 8, 2023 (“Proposed Rule”). This legislation, introduced by Representative Burlison, would protect workers, employers, and the economy from this ill-considered and ill-advised regulation while preserving DOL’s authority to make future adjustments to the overtime rules as appropriate.

PPWO is a coalition of a diverse group of associations, businesses, and other stakeholders representing employers with millions of employees across the country in almost every industry. Formed in 2014, the Partnership is dedicated to advocating for the interests of its members in the regulatory debate on changes to the overtime regulations under the Fair Labor Standards Act. PPWO’s members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, encourages employees’ career advancement opportunities, and provides clarity for employers when classifying employees.

If allowed to be finalized, DOL’s Proposed Rule will dramatically and negatively impact businesses, nonprofits, colleges and universities, states, cities, towns, and public schools as well as the workers they employ and the consumers, students, and people they serve. The Proposed Rule would force the reclassification of millions of employees from salaried to hourly. This change means these employees will lose access to critical benefits, their hard-fought status in the workplace, opportunities for career advancement, flexible work arrangements, and potentially their jobs entirely. These consequences will be disproportionately borne by entry level workers, particularly those from rural and economically struggling areas or those graduating with degrees that do not traditionally command high salaries. Moreover, the costs and organizational changes required to comply with the Proposed Rule could immediately destabilize an economy that is still vulnerable following the COVID-19 pandemic, and DOL has failed to provide any evidence that current regulations, which were last updated only four years ago, are insufficient in protecting American workers. The employer community has repeatedly cautioned DOL about the real-world consequences of its proposed changes to the overtime regulations, but these concerns have been ignored.

The Overtime Pay Flexibility Act would require DOL abandon its misguided Proposed Rule, safeguarding the American economy from its disastrous repercussions, protecting workers’ jobs, benefits, and future career growth, and shielding American businesses in all sectors from the administrative costs and burdens of the Proposed Rule. Meanwhile, the bill preserves DOL’s authority to make future adjustments to the overtime rules as appropriate. If the Department

decides to move forward with a rule in the immediate future, it will need to initiate a new rulemaking process.

PPWO and the undersigned organizations urge Members of the House of Representatives to support this legislation. We urge Congress to require DOL to abandon this dangerous proposal and go back to the drawing board for any changes it wishes to make to the overtime pay regulations.

Sincerely,

4A's, The American Association of Advertising Agencies
AASA, The School Superintendents Association
Agricultural Retailers Association
AICC, The Independent Packaging Association
Air Conditioning Contractors of America
American Bakers Association
American Bankers Association
American Bus Association
American Car Rental Association
American Council on Education
American Foundry Society
American Hotel & Lodging Association
American Pipeline Contractors Association
American Society of Travel Advisors (ASTA)
American Staffing Association
American Trucking Associations
AmericanHort
Associated Builders and Contractors
Associated Equipment Distributors
Associated General Contractors of America
Association of School Business Officials International (ASBO)
College and University Professional Association for Human Resources
Construction Industry Round Table
Education Market Association
Electronic Transactions Association
Energy Marketers of America
FMI - The Food Industry Association
Foodservice Equipment Distributors Association
Heating, Air-conditioning & Refrigeration Distributors International
HR Policy Association
IAAPA, The Global Association for the Attractions Industry
IHRSA - The Health & Fitness Association
Independent Electrical Contractors
Independent Insurance Agents & Brokers of America
Independent Lubricant Manufacturers Association
International Bottled Water Association

International Foodservice Distributors Association
International Franchise Association
International Warehouse Logistics Association (IWLA)
ISSA, The Worldwide Cleaning Industry Association
Manufactured Housing Institute
National Apartment Association
National Association of College Stores
National Association of Convenience Stores
National Association of Electrical Distributors
National Association of Professional Insurance Agents
National Association of Wholesaler-Distributors (NAW)
National Club Association
National Cotton Council
National Council of Chain Restaurants
National Council of Farmer Cooperatives
National Demolition Association (NDA)
National Federation of Independent Business (NFIB)
National Grocers Association
National Lumber & Building Material Dealers Association
National Marine Distributors Association
National Multifamily Housing Council
National Newspaper Association
National Public Employer Labor Relations Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
National RV Dealers Association (RVDA)
National Small Business Association (NSBA)
National Stone, Sand & Gravel Association
National Utility Contractors Association
National Wooden Pallet & Container Association
NATSO, Representing America's Truckstops and Travel Centers
Outdoor Power Equipment and Engine Service Association
Pennsylvania Food Merchants Association
Power & Communication Contractors Association
Saturation Mailers Coalition
SIGMA: America's Leading Fuel Marketers
Small Business & Entrepreneurship Council
Textile Care Allied Trades Association
The National Association of Independent Colleges and Universities (NAICU)
The Transportation Alliance
Tire Industry Association
TRSA - The Linen, Uniform and Facility Services Association
U.S. Chamber of Commerce
Work Colleges Consortium
Workplace Policy Institute



PARTNERSHIP TO PROTECT
WORKPLACE OPPORTUNITY

Workplace Solutions Association
World Millwork Alliance