



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



Workplace Solutions Association  
World Millwork Alliance