Sen. Robert Menendez

502 Hart Senate Office Building

Washington, D.C. 20510

Sen. Cory Booker

359 Dirksen Senate Office Building

Washington, DC 20510

Rep. Frank A. LoBiondo

2427 Rayburn Building

Washington, D.C. 20515

Dear \_\_\_\_\_\_\_\_\_:

As one of your constituents, a human resources professional and a member of the Human Resource Association of Southern New Jersey (HRA), an affiliate of the Society of Human Resource Management, I am writing to urge your support of the *Protecting Workplace Advancement and Opportunity Act* (H.R. 4773 / S. 2707) as well as a Congressional Review Act (CRA) resolution, [S.J.Res.34](http://www.help.senate.gov/chair/newsroom/press/alexander-johnson-lead-44-senators-in-introducing-congressional-review-act-to-stop-backward-time-card-overtime-rule). The legislation (H.R. 4773 / S. 2707) would require the U.S. Department of Labor (DOL) to perform a much needed detailed impact analysis prior to implementing changes to the rules governing overtime pay under the Fair Labor Standards Act (FLSA) and nullify the recent regulatory changes. An impact analysis is a fair, necessary approach that will avoid guesswork and provide an understanding of the significant consequences prior to implementation of regulatory changes. It will also take into account the input received from business leaders, but ignored by the DOL. Resolution [S.J.Res.34](http://www.help.senate.gov/chair/newsroom/press/alexander-johnson-lead-44-senators-in-introducing-congressional-review-act-to-stop-backward-time-card-overtime-rule) also seeks to nullify the recent regulatory amendments to the FLSA. I urge your support of both initiatives. Notably, the amendments also ignore the slowing job growth numbers recently issued by the DOL while our country continues to face delicate economic conditions.

Among other things, there are serious concerns regarding the long-term effects on businesses and their professional employees that were directly impacted as a result the Department of Labor’s (DOL) changes to the overtime regulations.

Under the DOL’s recently adopted change, the salary threshold for overtime pay (exempt status) will be raised from $23,660 to $47,476. While you may agree that the salary threshold should be raised, the DOL’s implementation of a rule that more than doubles the salary amount increase will have a significant long-term impact across the private sector, including a larger economic impact specific areas such as small businesses and particular geographic areas. The lack of such a meaningful analysis prior to action means blind adoption of rule changes. We deserve better government, representation and leadership.

A plethora of other problems arise as a result of this dramatic increase in the salary threshold.

The DOL changes will cause the reclassification of many previously exempt professional employees to non-exempt hourly employees, resulting in far less workplace and scheduling flexibility as well as force those employees to closely track their hours. One example involves employees who work remotely and enjoy flexibility in their work schedules.

The present cost of the DOL’s rule change will not been limited to employees. Employers will also feel an immediate economic impact in the form of the increased management and human resources costs, such as costs associated with reclassifying employees and extra hours spent scheduling employees. A rise in unemployment claims, consolidation or elimination of positions, or outsourcing are also a few other significant and unaccounted for risks created by the regulatory changes.

I firmly believe that employees and employers alike are best served when the system provides maximum flexibility in structuring employee hours, career advancement opportunities for employees, and clarity for employers when classifying employees. Not only is the DOL’s change in direct conflict with the interests of professionals wishing to retain their autonomy and flexibility in their work schedules; it forces employers to be less amendable to the needs of their employees and incentivizes scrutinizing the efficacy of its employees.

Given these concerns, I strongly support the *Protecting Workplace Advancement and Opportunity Act* (H.R. 4773 / S. 2707) as well as a Congressional Review Act (CRA) resolution, [S.J.Res.34](http://www.help.senate.gov/chair/newsroom/press/alexander-johnson-lead-44-senators-in-introducing-congressional-review-act-to-stop-backward-time-card-overtime-rule). The reasonable measures within ***H.R. 4773 / S. 2707 do not prevent the DOL from moving forward with future changes to the exempt salary level change /overtime regulations***. It simply requires the DOL to perform an economic analysis of how changes to overtime regulations will impact small businesses, particular geographic, as well as employee flexibility and career advancement before proceeding with a new rule.

As your constituent, a human resources professional and a member of the HRA I urge you to support H.R. 4773 / S. 2707 as well as a Congressional Review Act (CRA) resolution, [S.J.Res.34](http://www.help.senate.gov/chair/newsroom/press/alexander-johnson-lead-44-senators-in-introducing-congressional-review-act-to-stop-backward-time-card-overtime-rule). I would appreciate hearing your perspective on this critical issue.

Thank you.

Very Truly,