

# United States Senate

WASHINGTON, DC 20510

March 18, 2016

The Honorable Roy Blunt  
Chairman  
Senate Appropriations Subcommittee  
on Labor, Health and Human Services,  
Education and related Agencies  
Room S-128, The Capitol  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member  
Senate Appropriations Subcommittee  
on Labor, Health and Human Services,  
Education and related Agencies  
Room S-128, The Capitol  
Washington, DC 20510

Dear Chairman Blunt and Ranking Member Murray,

I write to express my concern with the Department of Labor's (DOL) plan to finalize their policy changing the salary threshold under the Fair Labor Standards Act (FLSA) to increase eligibility for overtime pay. I understand the agency is reaching the final stages of changing the 'overtime rule' and given the significant impact this will have on American workers, I respectfully ask that the Subcommittee eliminate funding for implementation of this rule as you craft your annual spending bill for the Labor, Health and Human Services (HHS), Education, and Related Agencies.

As you may know, the DOL aims to more than double the current salary threshold under the FLSA overtime exemption for administrative, executive, and professional employees. Raising the salary threshold to \$50,440 is a significant change from current law and would fundamentally change how employers compensate their workers by shifting salaried employees to hourly status, potentially reducing hours, and cutting benefits. I know the members of the Committee have heard from their constituents and understand the negative impacts a stagnant economy has on middle class families. Nevadans are still experiencing higher unemployment, a lower workforce participation compared to the rest of the country, and have experienced stagnant wages for the greater part of a decade. The DOL's proposed changes would do further damage in a struggling economy.

The DOL also proposes to update this threshold level annually based on a metric the agency has yet to determine. Changes of this magnitude, coupled with ambiguity as to how the agency will treat the salary threshold going forward will hinder job creators' abilities to plan and expand their businesses. I have heard from a number of small businesses in my home state of Nevada, and their response to the DOL's plans to address overtime pay in the future will result in job loss, shifting full-time workers to part-time workers, and reduced wages. They believe DOL's policy will have the exact opposite effect of that which you are intending, and it is imperative that you halt any funding to implement this rule.

The Department of Labor has ignored input from stakeholders across the country. Despite opposition from job creators and workers from a wide scope of industries, the DOL continues to finalize plans at the Office of Management and Budget (OMB). I have personally weighed in on behalf of Nevada's job creators and hardworking families, and the administration has ignored my request to reconsider their rule. Other members of Congress, including Chairman Alexander and his colleagues on the Health, Education, Labor, and Pensions (HELP) Committee have also asked for more time to hear

from those that would be impacted by this rule, yet the Administration is committed to proceeding with this policy. In light of this, I believe Congress should exercise its rights under Article I of the Constitution and withhold funding until the DOL can devise a better strategy to increase wages for middle class Americans.

I appreciate your attention to my request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean Heller". The signature is fluid and cursive, with the first name "Dean" and the last name "Heller" clearly distinguishable.

DEAN HELLER  
U.S. Senator