



## Lawmakers, SHRM Seek Extension in Overtime Rule Comment Period

By Allen Smith 7/29/2015

Republican senators wrote Secretary of Labor Thomas Perez on July 24, 2015, seeking an extension of the comment period on the department's proposed overtime rule. The Society for Human Resource Management (SHRM) made a similar request in a separate letter on July 21.

The comment period for the proposed rule is currently set to end Sept. 4, 2015.

### Senators' Letter

The Republican senators—led by Sen. Lamar Alexander, R-Tenn., chairman of the Senate Committee on Health, Education, Labor and Pensions; Mike Enzi, R-Wyo., chairman of the Senate Subcommittee on Children and Families; and Sen. Johnny Isakson, R-Ga., chairman of the Senate Subcommittee on Employment and Workplace Safety—[noted in their letter](#) that the Labor Department's proposal is nearly three times as long as the agency's 2003 proposal to amend the white-collar regulations.

The 37-page proposal then had a 90-day comment period, while the current proposed rule is nearly 100 pages and has a 60-day comment period.

The senators observed that the DOL's proposal would substantially increase the number of workers qualifying for overtime. The process of reviewing the proposed rule "will be incredibly time-consuming. The current 60-day comment period is simply inadequate to properly evaluate DOL's proposal," they wrote, proposing an extension of at least 60 days.

Other senators signing on to the letter were Sen. Bill Cassidy, R-La.; Sen. Susan Collins, R-Maine; Sen. Orrin Hatch, R-Utah; Sen. James Lankford, R-Okla.; Sen. Lisa Murkowski, R-Alaska; Sen. Pat Roberts, R-Kan.; and Sen. Tim Scott, R-S.C.

### SHRM Seeks Extension

SHRM similarly requested a 60-day extension of the comment period to Nov. 3, 2015, [noting in its letter](#) that HR professionals are still trying to understand the rule and its potential impact on their organizations.

“SHRM’s recent webinar on the proposed rule was the largest webinar in SHRM history, garnering nearly 12,000 registrants in just a few days,” SHRM’s letter observed.

Input on the proposed exempt salary level—the 40th percentile of weekly earnings for full-time salaried workers—from a wide range of employers needs to be gathered, SHRM said, especially in light of the “dramatic effect” the new salary level will have on certain industries and geographic areas. Nonprofit and service sectors, and employers in areas of the country with lower costs of living, will feel the impact of the proposed salary threshold more.

Nor is there time to completely address the department’s many questions about the duties tests, SHRM said.

“The proposed rule increases the eligibility for and cost of overtime. Understanding what kinds of business decisions employers are likely to make in response to the proposed regulations is critical to evaluating its efficacy,” SHRM wrote. “Providing useful information to the department cannot be accomplished in 60 days, especially over summer months.”

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