

(13)

OPPOSING THE WEAKENING OF OVERTIME REGULATIONS

WHEREAS: For almost 40 years, U.S. workers have seen declining benefits, flat or falling wages, and growing inequality; and

WHEREAS: One factor contributing to growing income inequality has been the erosion of overtime protections under the Fair Labor Standards Act (FLSA); and

WHEREAS: Under overtime eligibility regulations issued by the Labor Department, a salary threshold is used to determine whether salaried workers are eligible for overtime protection; and

WHEREAS: The eligibility of salaried workers earning less than the threshold is automatic, while the eligibility of salaried workers earning more than the threshold depends on their job duties and is therefore more uncertain; and

WHEREAS: The overtime salary threshold has not been adjusted since 2004, and before that since 1975; and

WHEREAS: The current overtime salary threshold of \$23,660 is completely inadequate and does not come close to reflecting the increased cost of living since 1975; and

WHEREAS: In 1975, 65% of salaried workers earned less than the threshold and were therefore automatically eligible for overtime (regardless of their job duties), while today only 7% of salaried workers are automatically protected (regardless of their job duties); and

WHEREAS: The failure to update the overtime salary threshold has led to millions of workers being denied overtime protection; and

WHEREAS: The erosion of overtime protection has allowed businesses to force more and more salaried workers to work overtime hours for no additional pay, thereby profiting from free labor; and

WHEREAS: The erosion of overtime protection has denied millions of workers overtime pay and time away from work to spend with their families, and has weakened the incentive for employers to hire more workers to spread the work; and

WHEREAS: On July 6, 2015, the Labor Department started the process for updating the overtime eligibility rules, and its proposed overtime regulation received over 300,000 public comments, including a substantial number of comments from Ohioans, the most ever for a Labor Department regulation; and

WHEREAS: At a local business in Columbus, Ohio on May 18, 2016, Labor Secretary Tom Perez announced a final overtime regulation that nearly doubled the overtime salary threshold to \$47,476 (or \$913 per week), to take effect on December 1, 2016; and

WHEREAS: The final overtime regulation, most importantly, provided for indexing and updating the overtime salary threshold every three years, so overtime protections will not be eroded again in the future; and

WHEREAS: Opposition to this long-overdue overtime update is an attempt to deny millions of workers a pay raise or time off to spend with their families (without a cut in pay), which would otherwise take effect on December 1, 2016; and

WHEREAS: Various members of Congress, including some Democrats, doing the bidding of corporate interests opposed to overtime protection, have introduced legislation to weaken and delay the final overtime regulation.

THEREFORE BE IT RESOLVED THAT: The Ohio AFL-CIO calls upon our elected officials in the U.S. Congress to oppose H.R. 5813, the Overtime Reform and Enhancement Act, which would delay the scheduled increase in the overtime salary threshold for three years. This bill would also gut a key provision of the new rules—the one that indexes the salary threshold to wage growth, which is necessary to keep people from losing their overtime protection over time. This indexing provision is one of the key reasons why the administration proposed new overtime rules in the first place. The Ohio AFL-CIO will also oppose any such measure that attempts to weaken or delay the final overtime regulation.

BE IT FINALLY RESOLVED: The Ohio AFL-CIO will work with labor, community allies, and friends in Congress to publicly expose any members of Congress who supports any bill that attempts to weaken or delay the final overtime regulation.

Submitted by: United Food and Commercial Workers Local 1059