**Super Tuesday, UBER Wednesday and Cherry Blossoms: Insight Into**

**SHRM’s 2016 Employment Law and Legislative Conference – Washington, D.C.**

**March 14-16, 2016**

I had the opportunity to attend SHRM’s 2016 Employment Law and Legislative Conference in Washington, D.C., on March 14-16, 2016, as the Governmental Affairs Director of RWHRMA. It was a great event and D.C. was full of excitement as the Cherry Blossoms started to bloom, the results from Super Tuesday came in and the metro rail closed on what Washington natives referred to as “UBER Wednesday.” For those of you who have not attended SHRM’s Employment Law and Legislative Conference before, I recommend adding this to your agenda for next year.

The Department of Labor’s (“DOL”) proposed changes to the white-collar overtime exemptions under the Fair Labor Standards Act (“FLSA”) was a key topic at the conference and continues to be a central area of focus in the legislative and political realms. As a reminder, the DOL’s proposed changes will likely increase the salary threshold required to maintain exempt status under the FLSA from $23,600 per year to $50,400 per year, which represents a 113% increase and requires employers to pay a salary in the 40th percentile of all full-time salaried workers to maintain exempt status.

In terms of the timeline for publication of the DOL rule, the regulations appear to have been fast tracked in light of the upcoming November 2016 election. In an effort to gain support for the Democratic Party, commenters are predicting that the rule could be published on July 7, 2016, with the 60-day effective date making the rule effective in time for Labor Day on September 5, 2016. Another option is that the final rule will be published on September 2, 2016, which, with the 60-day effective date, will make the rule effective on November 1, 2016—one week before Election Day.

A key move towards publication occurred on March 14, 2016, when the DOL submitted the final overtime regulations to the Office of Management and Budget (“OMB”) for review. The OMB now has 90 days to review the rule, which places the “due date” in mid-June 2016, ahead of the July regulatory agenda publication date the DOL previously announced. The timing of the release by the OMB is critical because the regulations could face a congressional challenge under the Congressional Review Act depending upon the date of release. Under the Congressional Review Act, Congress has the power to review, by means of an expedited legislative process, new federal regulations issued by government agencies, and, by passing a joint resolution, can overrule a regulation. Congress has 60 legislative days to disapprove the rule after publication, after which time the rule will go into effect. The DOL and Obama administration are likely trying to expedite the rule publication date so that this 60 day period passes before the November 2016 election.

As you can see, the next few months are going to be full of developments that impact the HR community. We will continue to keep RWHRMA members up to date on these developments and if you are interested in member advocacy on this issue, SHRM’s Policy Action Center (<http://www.advocacy.shrm.org/overtime>) provides you with the opportunity to be heard on key issues for the HR community. I hope to see many of you at RWHRMA’s monthly lunch meeting in April, where I share additional information on the proposed changes to the overtime regulations and suggestions on how you can start preparing for these changes now as part of your HR “spring cleaning.”

Holly Hamer

Governmental Affairs Director

RWHRMA

[hhammer@hutchlaw.com](mailto:hhammer@hutchlaw.com)