

House of Representatives Passes Bill to Delay Overtime Rule Effective Date

September 29, 2016

By [Alfred B. Robinson, Jr.](#)

On September 28, 2016, the U.S. House of Representatives passed H.R. 6094 Regulatory Relief for Small Businesses, Schools, and Nonprofits Act by a vote of 246 to 177. This bill would delay the December 1, 2016 effective date of the new salary level test in the final overtime rule for six months until June 1, 2017.

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While H.R. 6094 passed the House, it is not clear whether the Senate will vote on it. Even if the Senate were to vote on it and pass it, the White House has made it clear in a Statement of Administration Policy dated September 27 that the president will veto it, stating that “If the President were presented with H.R. 6094, he would veto the bill.” According to the statement, “While this bill seeks to delay implementation, the real goal is clear—delay and then deny overtime pay to workers.” Moreover, any effort to override a veto is almost certain to fail, as there is not enough congressional support to obtain the votes necessary to successfully override a veto—meaning the measure would die. Hence, Congress is not likely to alter the December 1, 2016, effective date for the new salary requirement in order to qualify as exempt under the Part 541 regulations.

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