

Overtime Protection Act

SECTION 1. SHORT TITLE

This Act shall be called the “Overtime Protection Act.”

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds that:

1. Federal regulations which took effect on August 23, 2004 make it easier for employers to classify their employees as exempt from the right to earn overtime pay.
2. As many as six million workers in a wide variety of jobs may lose the right to overtime pay as a result of these regulations.
3. The portions of the new regulations that deny overtime rights are detrimental to workers in [state] and must be reversed.

(B) PURPOSE—This law is enacted to preserve the rights of workers in [state].

SECTION 3. PROTECTION OF RIGHTS TO OVERTIME PAY

After section XXX, the following new section XXX shall be inserted:

(A) The regulations promulgated by the United States Department of Labor at 29 C.F.R. Part 541, which became effective on August 23, 2004, and which revised regulations governing the exemption from overtime pay for executive, administrative, professional, outside sales, and certain computer employees in effect prior to that date, shall apply to employees employed in this state as follows:

1. Any employee who would have had the right to earn overtime pay under the federal regulations in effect on August 22, 2004, but who would lose the right to earn overtime pay under the federal regulations in effect as of August 23, 2004, shall continue to have his or her eligibility for overtime pay determined under the regulations in effect on August 22, 2004.
2. The minimum salary an employer must pay an employee before that employee can lose the right to overtime shall be the salary set forth at 29 C.F.R. Section 541.600, as that provision was revised effective August 23, 2004, or as it may be revised from time to time in the future by the Secretary of Labor.

(B) The Secretary of [Labor] shall promulgate such regulations as are necessary to enforce this section.

SECTION 4. EFFECTIVE DATE

This Act shall take effect on July 1, 20XX.