S.2707 - Protecting Workplace Advancement and Opportunity Act

Sponsor: Sen Scott. Tim (R-SC) introduced 3/17/2016

Committee: Senate – Health, Education, Labor and Pensions

This bill declares that the proposed or the final rule of the Department of Labor entitled "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees" shall cease to have any force or effect.

If the proposed rule is a final rule on the date of enactment of this Act:

- Labor shall not enforce it based on conduct occurring before that enactment date,
- an employee shall not have any right of action against an employer for the employer's failure to comply with the final rule at any time before that enactment date,
- any regulations that were amended by the final rule shall be restored and revived as if the final rule had never taken effect, and
- nothing in this Act shall be construed to create a right of action for an employer against an employee for the recoupment of any payments made to the employee before the enactment of this Act that were in compliance with that final rule.

Labor may promulgate any substantially similar rule only if it has completed certain required actions; but the rule shall not contain any automatic updates to the salary threshold for purposes of exemptions to minimum wage and maximum hour requirements under the Fair Labor Standards Act of 1938.

The requirement that definitions applicable for such exemptions be defined and delimited from time to time by Labor regulations shall be construed to:

- require Labor to issue a new rule through notice and comment rulemaking for each change in any salary threshold it has proposed; and
- exclude any rule that would result in changes to any salary threshold for multiple time periods, including through any automatic updating procedure.

Labor may not promulgate any final rule that includes any revision to duties tests for exemption from minimum wage and maximum hours requirements unless specific regulatory text for the provision was proposed in the proposed rule.