

Senate Committee Invites NDA to Submit Comments on Workforce Legislation

The U.S. Senate Health, Education, Labor and Pensions (HELP) Committee has selected NDA to be included in a group of private industry stakeholders to submit comments on new workforce development legislation that will be introduced in the Senate in the coming weeks. NDA's Government Affairs Committee will be working closely with the Senate HELP Committee to provide feedback on legislative proposals to improve the workforce development system as Congress looks to reauthorize the Workforce Innovation and Opportunity Act (WIOA) for the first time in ten years. Given NDA's prioritization of workforce development advocacy on Capitol Hill, Congress is recognizing the importance of including the demolition industry in the comment process for workforce legislation.

OSHA Proposes New Heat Standard for Employers

On Tuesday, the Occupational Safety and Health Administration (OSHA) released the text of its [proposed standard](#) for heat illness and injury prevention for indoor and outdoor settings. The proposed rule would require employers to develop an injury and illness prevention plan to control heat hazards in workplaces affected by excessive heat. A two-page summary of the proposal from OSHA can be [found here](#).

Among other things, the plan would require employers to evaluate heat risks and — when heat increases risks to workers — implement requirements for drinking water, rest breaks and control of indoor heat. It would require a plan to protect new or returning workers unaccustomed to working in high heat conditions. Employers would also be required to provide training, have procedures to respond if a worker is experiencing signs and symptoms of a heat-related illness, and take immediate action to help a worker experiencing signs and symptoms of a heat emergency.

OSHA is allowing the public 120 days to comment on the proposed heat standard before issuing a final rule. NDA will be reviewing the text of the proposed rule and submitting comments on behalf of the demolition industry.

Federal Judge Temporarily Blocks FTC Ban on Noncompete Agreements

On Wednesday, a U.S. District Judge in Texas issued a preliminary injunction to temporarily halt the Federal Trade Commission's (FTC) rule to ban noncompete agreements in employment contracts while the validity of the rule is challenged in court. The judge stated, "the text, structure, and history of the FTC Act reveal that the FTC lacks substantive rulemaking authority with respect to unfair methods of competition." The U.S. Chamber of Commerce and other business organizations are challenging the rule in court.

The preliminary injunction is narrow in scope as it only applies to the plaintiffs in the court case. However, the U.S. District Court for the Northern District of Texas has said it will rule on the merits of the court case before the FTC's ban on noncompete agreements is implemented on Sept. 4, 2024.

Department of Labor Overtime Rule Goes into Effect

On Monday, the Department of Labor's (DOL) [final rule altering overtime regulations](#) under the Fair Labor Standards Act went into effect. Multiple lawsuits challenging the Department's overtime rule are working their way through the legal system but no nationwide injunction to block the final rule has been

issued to date. NDA will keep members updated should the status of the overtime rule change in the coming weeks.

- On July 1, 2024, DOL updated the standard salary level using the existing methodology from the 2019 final rule and current data, raising the salary level from \$684 per week to \$844 per week (equivalent to \$43,888 per year). For highly compensated employees, also following the 2019 methodology, the annual compensation level to be exempt from overtime pay increased from \$107,432 to \$132,964.
- On January 1, 2025, DOL will implement a new salary methodology, setting the standard salary level at the 35th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region (the South), resulting in a salary level of \$1,128 per week (equivalent to \$58,656 per year). For highly compensated employees, the compensation level will be set at the annualized weekly earnings of the 85th percentile of full-time salaried workers nationally, resulting in a compensation level of \$151,164.
- Future updates to the salary and compensation levels will occur every three years and will apply up-to-date wage data to the salary and compensation methodologies in the regulations at the time of the update. The next three-year update will take place on July 1, 2027.

Overtime Rule Guidance

- [Final Rule Text: Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees](#)
- [Overtime Pay: General Guidance](#)
- [Overtime Pay: Fact Sheets](#)
- [Overtime Pay: Resources](#)
- [Overtime Pay: Webinar](#)
- [Frequently Asked Questions](#)
- [Small Entity Compliance Guide](#)