

## **NDA Member Survey – DOL Overtime Requirements**

Last fall, the Department of Labor (DOL) announced their intent to release a Notice of Proposed Rulemaking (NPRM) to change regulations governing the agency's existing overtime rule which went into effect during the Trump administration. While no timetable was given, a new overtime rule could be proposed by DOL later this year.

Specifically, DOL states that one of the primary goals of this rulemaking would be to update the salary level requirement for the executive, administrative, and professional employee exemptions to the overtime pay requirement, also known as the "white collar" or "EAP" exemptions.

In light of DOL's announcement, NDA is gathering information regarding the impact that potential changes to the overtime rule could have on employers and their employees. NDA respectfully requests that members [complete the short survey](#). Please complete the survey by Friday, April 29.

[The survey](#) can be completed in approximately 15 minutes.

Please complete and submit your survey response by the end of the day.

## **NDA Presses Biden Administration on Supply Chain Funding**

Earlier this week, NDA joined a [coalition of over 40 organizations](#) urging the Department of Transportation (DOT) to prioritize supply chain resiliency as the department implements the bipartisan Infrastructure Investment and Jobs Act (IIJA) signed into law last November.

In its letter, NDA and the coalition asked DOT Secretary Pete Buttigieg to confront the supply-chain challenges that are adversely impacting the U.S. economy and dedicate as much as allowable by law in discretionary grant funding to support infrastructure projects that will facilitate and ease the movement of goods. These investments will help alleviate economic burdens and strengthen the goods movement network to better withstand future disruptions.

NDA continues to lobby both the Biden Administration and Congress on the need to address ongoing supply chain disruptions which are affecting the demolition industry and economy as a whole.

## **NDA Requests Extension of Comment Period for Davis-Bacon Rule**

Last month, the Department of Labor (DOL) published a [proposed rule](#) to update regulations implementing the Davis-Bacon Act, which applies to federal and federally-assisted construction projects. There are 71 Davis-Bacon laws applicable to federal and federally assisted construction projects that require the payment of locally prevailing wage rates for 1.2 million U.S. construction workers. The requirements currently cover approximately \$217 billion in federal spending on construction each year.

In a [letter](#), NDA formally requested that DOL extend the comment period for an additional 60 days to give stakeholders more time to analyze the 400 page rule. The extended time will allow stakeholders to better inform the agency on how the proposed rule will impact small businesses. This is of particular importance to the demolition industry which is referenced over 30 times in the proposed rule.

According to DOL, the proposed regulatory changes will improve the department's ability to administer and enforce Davis-Bacon labor standards more effectively and efficiently. Proposed changes include:

- Creating several efficiencies in the prevailing wage update system and ensuring prevailing wage rates keep up with actual wages, which over time would mean higher wages for workers.
- Returning to the definition of "prevailing wage" used from 1935 to 1983 to ensure prevailing wages reflect actual wages paid to workers in the local community.
- Periodically updating prevailing wage rates to address out-of-date wage determinations.
- Providing broader authority to adopt state or local wage determinations when certain criteria is met.
- Issuing supplemental rates for key job classifications when no survey data exists.
- Updating the regulatory language to better reflect modern construction practices.
- Strengthening worker protections and enforcement, including debarment and anti-retaliation.