



Analyzing the DOL Overtime Rule Change

About NFIB

National Federation of Independent Business

- NFIB is a trade organization representing 300,000 small businesses across the country in all industries.
- Average employee size of our members is 5 employees
- In addition to lobbying for our members, we also conduct a monthly survey to gauge small business sentiment. In our most recent survey, “Unreasonable government regulations” ranks 7th out of 75 for most severe problem small businesses face.

Overtime Rule

Summary

- New DOL rule starting in 2024 would increase the income threshold for which businesses have to pay overtime.
- Before 2023, the income threshold was \$35,000 and in 2024 and after, it was raised to \$55,000.
- There is an additional step increase until 2034 every 3 years. In other words, by 2034, the threshold will be \$75,000 and there is an increase every 3 years.
- Rule only applies to EAP employees – Executive, Administrative, Professional Employees.

Overtime Rule

Analysis

- The inputs for BSIM are the total dollar cost increase for a business by Region <- Industry <- Business Size
- Cost Increase = [Affected Workers] x [Overtime Pay]
- Overtime Pay = [Overtime Hours] x 1.5 x [Estimated hourly rate]
- Essentially we need to solve for 4 variables:
 1. Figure out affected industries and percentage of salaried workers
 2. Generate income distribution for industries
 3. Calculate # of workers in the band (\$35-55K)
 4. Estimate hourly rate and overtime hours

Overtime Rule

Calculating number of Affected Workers

- Overtime rule only affects EAP workers – Executive, Administrative and Professional Employees. Basically white collar workers.
- For this analysis. We only looked at 5 industries – IT, Financial Services, Professional Services, Education and Health Services.
- For the first 3, it safe to assume 100% of these workers are salaried. For the remaining workers, we estimate hourly worker percentages based on BLS data

Overtime Rule

Generating Income Distribution – BLS Data

OCC_TITLE	O_GROUP	TOT_EMP	EMP_PRSE	H_MEAN	A_MEAN	MEAN_PRSE	H_PCT10	H_PCT25	H_MEDIAN	H_PCT75	H_PCT90	A_PCT10	A_PCT25	A_MEDIAN	A_PCT75	A_PCT90
All Occupations	total	147,886,000	0.0	29.76	61,900	0.2	13.14	16.03	22.26	35.32	53.03	27,340	33,330	46,310	73,460	110,290
Management Occupations	major	9,860,740	0.6	63.08	131,200	0.6	24.18	36.23	51.62	78.71	106.03	50,290	75,350	107,360	163,710	220,550
Business and Financial Operations Occupations	major	9,677,720	0.7	41.39	86,080	0.3	20.55	27.33	36.95	49.14	64.66	42,750	56,840	76,850	102,210	134,480
Computer and Mathematical Occupations	major	5,003,910	0.2	51.99	108,130	0.5	23.72	32.56	48.29	64.52	82.33	49,330	67,730	100,440	134,210	171,250
Architecture and Engineering Occupations	major	2,481,170	0.3	45.52	94,670	0.5	23.38	30.73	40.24	56.23	72.33	48,630	63,920	83,700	116,960	150,450
Life, Physical, and Social Science Occupations	major	1,314,360	0.5	40.21	83,640	0.6	18.99	24.74	35.74	49.45	65.02	39,490	51,460	74,330	102,850	135,240
Community and Social Service Occupations	major	2,313,620	0.4	26.81	55,760	0.5	15.56	18.67	23.74	31.13	40.19	32,360	38,840	49,380	64,750	83,600
Legal Occupations	major	1,216,600	0.5	59.87	124,540	2.0	21.80	29.00	45.76	78.53	112.97	45,340	60,320	95,170	163,340	234,970
Educational Instruction and Library Occupations	major	8,496,780	0.2	30.41	63,240	0.5	13.90	18.23	27.64	37.30	49.20	28,910	37,910	57,490	77,590	102,330
Arts, Design, Entertainment, Sports, and Media Occupations	major	2,063,380	0.5	36.78	76,500	1.0	14.62	18.60	27.90	41.29	62.34	30,410	38,690	58,030	85,880	129,670
Healthcare Practitioners and Technical Occupations	major	9,043,070	0.2	46.52	96,770	0.3	18.43	26.62	37.38	50.57	77.59	38,340	55,370	77,760	105,190	161,380
Healthcare Support Occupations	major	6,792,310	0.2	17.10	35,560	0.3	11.57	14.01	16.16	18.62	22.92	24,060	29,130	33,600	38,730	47,670
Protective Service Occupations	major	3,437,610	0.2	25.97	54,010	0.3	13.38	16.20	21.85	31.88	45.78	27,830	33,700	45,450	66,300	95,220
Food Preparation and Serving Related Occupations	major	12,514,620	0.1	15.45	32,130	0.4	10.15	11.75	14.25	17.13	21.71	21,110	24,440	29,640	35,630	45,150
Building and Grounds Cleaning and Maintenance Occupations	major	4,316,350	0.4	17.26	35,900	0.3	11.37	13.72	16.28	19.00	23.86	23,640	28,540	33,870	39,520	49,630
Personal Care and Service Occupations	major	2,835,650	0.7	17.41	36,210	0.5	10.50	12.80	15.07	19.10	26.86	21,830	26,620	31,340	39,730	55,880
Sales and Related Occupations	major	13,183,250	0.3	24.22	50,370	0.6	11.14	13.61	16.96	27.16	45.21	23,180	28,310	35,290	56,480	94,040
Office and Administrative Support Occupations	major	18,674,770	0.1	21.90	45,550	0.1	13.80	16.46	19.67	25.00	32.14	28,700	34,230	40,910	52,000	66,850
Farming, Fishing, and Forestry Occupations	major	461,750	1.2	18.21	37,870	1.2	13.78	14.98	16.33	19.17	25.37	28,660	31,150	33,970	39,870	52,780
Construction and Extraction Occupations	major	6,075,520	0.3	28.08	58,400	0.3	16.41	19.01	24.31	33.88	45.30	34,130	39,550	50,570	70,460	94,220
Installation, Maintenance, and Repair Occupations	major	5,823,400	0.4	26.77	55,680	0.2	15.00	18.45	24.08	31.53	40.37	31,200	38,370	50,080	65,570	83,970
Production Occupations	major	8,738,980	0.2	21.81	45,370	0.2	13.93	16.24	19.19	24.67	31.94	28,980	33,780	39,910	51,320	66,430
Transportation and Material Moving Occupations	major	13,560,460	0.1	21.12	43,930	0.4	13.03	15.10	18.24	23.33	30.82	27,110	31,410	37,940	48,520	64,100

Overtime Rule

Benchmarking BLS Data with REMI

Income Comparison

	Mean	10	25	50	75	90	REMI Data
Information	108,130.00	49,330.00	67,730.00	100,440.00	134,210.00	171,250.00	136,769.00
Financial activities	65,487.09	31,464.56	40,387.59	52,883.57	75,838.85	111,159.44	48,863.72
Professional and business services	77,166.97	36,536.00	48,925.25	65,152.28	93,576.87	124,665.41	74,863.27
Education and health services	64,659.16	30,097.33	40,348.22	55,534.84	73,109.77	103,471.41	52,627.98

Employment – no distribution from BLS given so just comparing 1 year with REMI

	BLS Total	REMI Total 2022
Information	5,003,910.00	3,503,228.00
Financial activities	22,860,970.00	22,363,962.00
Professional and business services	29,752,110.00	30,988,239.00
Education and health services	27,167,810.00	28,782,801.00

Overtime Rule

Generating Income Distribution

Using the BLS Data we estimate an income distribution

ID	Industries	Percentile	2022	2023	2024	2025	2026	2027	2028	2029	2030
9	Information	10	49,330.00	49,330.00	49,330.00	49,330.00	49,330.00	49,330.00	49,330.00	49,330.00	49,330.00
9		25	67,730.00	70,668.60	73,396.74	77,439.18	81,297.39	84,866.40	88,671.63	92,693.77	96,848.62
9		50	100,440.00	104,797.79	108,843.48	114,838.19	120,559.73	125,852.38	131,495.33	137,459.94	143,621.36
9		75	134,210.00	140,032.97	145,438.90	153,449.16	161,094.39	168,166.55	175,706.78	183,676.81	191,909.83
9		90	171,250.00	178,680.03	185,577.91	195,798.89	205,554.09	214,578.06	224,199.28	234,368.93	244,874.14
10	Financial activities	10	31,464.56	31,464.56	31,464.56	31,464.56	31,464.56	31,464.56	31,464.56	31,464.56	31,464.56
10		25	40,387.59	41,299.93	42,024.25	43,482.62	44,831.43	46,029.79	47,326.30	48,719.79	50,144.62
10		50	52,883.57	54,078.19	55,026.61	56,936.20	58,702.34	60,271.48	61,969.13	63,793.77	65,659.44
10		75	75,838.85	77,552.03	78,912.13	81,650.62	84,183.40	86,433.65	88,868.20	91,484.87	94,160.38
10		90	111,159.44	113,670.49	115,664.05	119,677.94	123,390.31	126,688.58	130,256.97	134,092.31	138,013.89
11	Professional and business services	10	36,536.00	37,361.34	38,016.58	39,335.87	40,556.06	41,640.14	42,813.00	44,073.60	45,362.55
11		25	48,925.25	50,030.46	50,907.89	52,674.55	54,308.49	55,760.18	57,330.76	59,018.83	60,744.85
11		50	65,152.28	66,624.04	67,792.50	70,145.10	72,320.98	74,254.15	76,345.64	78,593.59	80,892.09
11		75	93,576.87	95,690.74	97,368.96	100,747.96	103,873.12	106,649.69	109,653.66	112,882.35	116,183.63
11		90	124,665.41	127,481.56	129,717.34	134,218.92	138,382.34	142,081.36	146,083.31	150,384.65	154,782.70
12	Education and health services	10	30,097.33	30,097.33	30,097.33	30,097.33	30,097.33	30,097.33	30,097.33	30,097.33	30,097.33
12		25	40,348.22	41,715.48	42,880.32	44,739.83	46,469.18	48,028.80	49,692.48	51,415.18	53,160.86

Overtime Rule

Getting total number of affected Workers

	Category	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	
	Proposed Overtime Rule	35,568.00	35,568.00	55,068.00	55,068.00	55,068.00	60,895.74	60,895.74	60,895.74	67,340.21	67,340.21	67,340.21	74,466.69	74,466.69	
	Current Overtime Rules	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	35,568.00	
PROPORTION OF AFFECTED Below Proposed Overtime Rule															
Industries	Units	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	
Information	Proportion	0.000%	0.000%	13.576%	13.062%	12.692%	14.882%	14.410%	14.001%	15.685%	15.219%	14.827%	16.259%	15.834%	
Financial activities	Proportion	16.898%	16.258%	50.043%	46.528%	43.450%	50.597%	48.167%	45.194%	51.474%	49.697%	46.932%	52.638%	51.056%	
Professional and business services	Proportion	0.000%	0.000%	31.160%	28.425%	26.054%	31.942%	29.687%	27.397%	33.184%	30.865%	28.736%	34.830%	32.592%	
Education and health services	Proportion	18.005%	17.063%	43.878%	40.333%	37.291%	42.794%	39.975%	37.247%	42.716%	40.036%	37.611%	43.443%	41.010%	
PROPORTION OF AFFECTED Below Current Overtime Rule															
Industries	Units	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	
Information	Proportion	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	
Financial activities	Proportion	16.898%	16.258%	15.829%	15.122%	14.605%	14.226%	13.881%	13.567%	13.295%	13.061%	12.863%	12.686%	12.524%	
Professional and business services	Proportion	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	
Education and health services	Proportion	18.005%	17.063%	16.419%	15.604%	15.012%	14.576%	14.188%	13.849%	13.558%	13.307%	13.097%	12.911%	12.744%	
PROPORTION OF AFFECTED JOBS BY BLS SECTOR															
Industries	Units	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	
Information	Proportion	0.000%	0.000%	13.576%	13.062%	12.692%	14.882%	14.410%	14.001%	15.685%	15.219%	14.827%	16.259%	15.834%	
Financial activities	Proportion	0.000%	0.000%	34.214%	31.407%	28.845%	36.371%	34.287%	31.627%	38.179%	36.636%	34.069%	39.952%	38.532%	
Professional and business services	Proportion	0.000%	0.000%	31.160%	28.425%	26.054%	31.942%	29.687%	27.397%	33.184%	30.865%	28.736%	34.830%	32.592%	
Education and health services	Proportion	0.000%	0.000%	27.459%	24.729%	22.278%	28.218%	25.787%	23.398%	29.158%	26.729%	24.514%	30.531%	28.266%	
MULTIPLY BY BASELINE EMPLOYMENT TO GET TOTAL AFFECTED JOBS															
Salaries %	Industries	Units	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
100.00%	Information	Jobs	-	-	72,282.38	69,940.84	68,482.56	80,865.80	78,859.58	77,159.93	87,025.42	85,041.20	83,283.69	91,724.28	89,576.66
100.00%	Financial activities	Jobs	-	-	1,156,759.75	1,061,133.56	975,643.33	1,230,529.44	1,160,605.86	1,071,386.33	1,293,757.76	1,242,139.21	1,154,865.94	1,354,867.51	1,307,260.28
100.00%	Professional and business services	Jobs	-	-	1,474,422.02	1,355,647.95	1,253,363.85	1,548,166.11	1,448,803.43	1,346,114.89	1,641,590.05	1,538,060.10	1,440,547.04	1,756,199.49	1,651,573.19
57.10%	Education and health services	Jobs	-	-	692,629.06	630,240.54	575,063.08	737,524.79	682,342.35	627,204.64	791,545.57	734,953.12	681,935.63	859,023.16	803,679.38
			-	-	3,396,093.21	3,116,962.89	2,872,552.83	3,597,086.13	3,370,611.22	3,121,865.80	3,813,918.80	3,600,193.63	3,360,632.30	4,061,814.43	3,852,089.52

Overtime Rule

Benchmarking with Federal Register

Table 7—Summary of Affected Workers and Regulatory Costs and Transfers

Impact ^a	Year 1	Future years ^b		Annualized value	
		Year 2	Year 10	3% Real discount rate	7% Real discount rate
Affected Workers (1,000s)					
Standard	3,399	2,999	4,288	(^c)	(^c)
HCE	249	269	769	(^c)	(^c)
Total	3,648	3,268	5,057	(^c)	(^c)

MULTIPLY BY BASELINE EMPLOYMENT TO GET TOTAL AFFECTED JOBS

Industries	Units	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Information	Jobs	-	-	72,282.38	69,940.84	68,482.56	80,865.80	78,859.58	77,159.93	87,025.42	85,041.20	83,283.69	91,724.28	89,576.66
Financial activities	Jobs	-	-	1,156,759.75	1,061,133.56	975,643.33	1,230,529.44	1,160,605.86	1,071,386.33	1,293,757.76	1,242,139.21	1,154,865.94	1,354,867.51	1,307,260.28
Professional and business services	Jobs	-	-	1,474,422.02	1,355,647.95	1,253,363.85	1,548,166.11	1,448,803.43	1,346,114.89	1,641,590.05	1,538,060.10	1,440,547.04	1,756,199.49	1,651,573.19
Education and health services	Jobs	-	-	692,629.06	630,240.54	575,063.08	737,524.79	682,342.35	627,204.64	791,545.57	734,953.12	681,935.63	859,023.16	803,679.38
		-	-	3,396,093.21	3,116,962.89	2,872,552.83	3,597,086.13	3,370,611.22	3,121,865.80	3,813,918.80	3,600,193.63	3,360,632.30	4,061,814.43	3,852,089.52

Overtime Rule

Calculating overtime pay

- The federal register reported that the 85% of the 3.4 Million affected EAP workers are not working overtime.
- The remaining 15% are working 11 overtime hours
- Total Overtime pay = [EAP Workers in Income range (\$35-55K)] x [15%] x [11 overtime hours] x [1.5 overtime] x [Estimated Hourly Rate]

Overtime Rule

Doing this for every Region

- In order to simulate by business size for wage input, we have to use regional data. The national data doesn't segment by business size. Repeated the process for all the states and then joined together.

```
library(tidyverse);
library(readxl);
business_size_data <- read_excel("Business_Size_All_Regions.xlsx")

GenerateInputs <- function(baseline_data, business_size_data, StateFilter){
  #all unique values
  #unique industry values come from baseline data to match names for later matchir
  # "Utilities" vs "22 - utilities"
  Industries <- unique(baseline_data$Industries)
  States <- unique(business_size_data$State)
  States <- States[States == StateFilter]
  BusinessSize <- unique(business_size_data$BusinessSize)

  baseline_data_final <- as.data.frame(matrix(0, nrow = length(Industries)*length(
  colnames(baseline_data_final) <- colnames(baseline_data)

  #loop through all industries, states and business sizes to repeat the baseline
  #calculs to multiply later with business size data
  count = 1;
  for(i in 1:length(States)) {
  for(j in 1:length(Industries)) {
  for(k in 1:length(BusinessSize)) {
  baseline_data_final[count,] <- baseline_data[j,]
  #fill in missing column names
  baseline_data_final$BusinessSize[count] <- BusinessSize[k]
  baseline_data_final$State[count] <- States[i]

  business_size_data$State[count] <- States[i]
  business_size_data$Industry[count] <- Industries[j]
  business_size_data$BusinessSize[count] <- BusinessSize[k]
  count = count + 1;
  }
  }
  }

  #Scale data down by state and business size
  #For each industry, find the total within a state and business size
  #Divide by total to scale
  percentage_matrix <- business_size_data
```

```
#Original Calculated Data from excel sheet
#
baseline_data <- read_excel("California/baseline_data.xlsx")
InputData <- GenerateInputs(baseline_data, business_size_data, "California")

baseline_data <- read_excel("Colorado/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Colorado"))

baseline_data <- read_excel("Illinois/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Illinois"))

baseline_data <- read_excel("Maryland/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Maryland"))

baseline_data <- read_excel("Massachusetts/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Massachusetts"))

baseline_data <- read_excel("Michigan/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Michigan"))

baseline_data <- read_excel("Minnesota/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Minnesota"))

baseline_data <- read_excel("New York/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "New York"))

baseline_data <- read_excel("Ohio/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Ohio"))

baseline_data <- read_excel("Texas/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Texas"))

baseline_data <- read_excel("Virginia/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Virginia"))

baseline_data <- read_excel("Washington/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Washington"))

baseline_data <- read_excel("Rest of US/baseline_data.xlsx")
InputData <- rbind(InputData,GenerateInputs(baseline_data, business_size_data, "Rest of US"))

write_csv(InputData, 'input_data.csv')
```

Overtime Rule

Employment Impacts

Table 2: Employment Impacts

Firm Size	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	Percent of Total (2034)
1-4 Employees	928	603	410	-58	-404	-1,029	-1,704	-2,301	-2,828	-3,540	-3,918	7.3%
5-9 Employees	922	527	425	-45	-250	-752	-1,360	-1,821	-2,218	-2,871	-3,095	5.7%
10-19 Employees	1,188	728	625	75	-137	-710	-1,400	-1,922	-2,365	-3,115	-3,344	6.2%
20-99 Employees	2,540	1,360	1,127	-344	-807	-2,083	-3,722	-4,869	-5,827	-7,610	-8,077	15.0%
100-499 Employees	991	-568	-821	-2,702	-3,076	-4,038	-5,668	-6,544	-7,253	-9,026	-9,373	17.4%
500 + Employees	4,188	-642	-1,783	-6,880	-8,245	-11,195	-15,574	-18,272	-20,243	-25,077	-26,106	48.4%
< 20 Employees	3,038	1,858	1,460	-28	-791	-2,491	-4,464	-6,044	-7,410	-9,525	-10,357	19.2%
< 100 Employees	5,578	3,218	2,587	-372	-1,598	-4,574	-8,186	-10,913	-13,237	-17,135	-18,434	34.2%
< 500 Employees	6,569	2,649	1,765	-3,075	-4,674	-8,612	-13,854	-17,457	-20,490	-26,161	-27,807	51.6%
All Firms	10,757	2,007	-18	-9,954	-12,918	-19,807	-29,427	-35,729	-40,733	-51,238	-53,913	100.0%

**Units: Jobs. Impacts reported for private non-farm industries only. Totals and percentages may not correspond to impacts due to rounding.*

Overtime Rule

Economic Impacts

Table 3: Economic Output Impacts

Firm Size	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	Percent of Total (2034)
1-4 Employees	198.9	211.5	210.6	206.9	195.6	140.3	106.1	59.9	22.4	-16.2	-26.1	1.5%
5-9 Employees	186.6	185.6	184.7	172.7	163.5	111.8	73.8	29.9	-6.0	-49.8	-58.7	3.4%
10-19 Employees	241.4	238.8	235.5	222.5	209.4	144.5	99.0	43.2	-2.0	-55.2	-67.4	3.9%
20-99 Employees	595.5	578.6	559.5	515.1	472.2	306.6	188.6	46.2	-65.7	-203.0	-236.1	13.8%
100-499 Employees	466.7	398.1	370.4	281.1	240.6	97.5	-27.8	-151.1	-240.5	-386.9	-410.4	24.0%
500 + Employees	1,658.6	1,457.6	1,332.5	1,163.4	1,011.9	544.8	231.2	-180.6	-446.9	-835.7	-912.8	53.3%
< 20 Employees	626.9	635.9	630.8	602.0	568.5	396.5	278.9	132.9	14.4	-121.2	-152.1	8.9%
< 100 Employees	1,222.4	1,214.4	1,190.3	1,117.1	1,040.7	703.1	467.4	179.1	-51.3	-324.2	-388.2	22.7%
< 500 Employees	1,689.0	1,612.5	1,560.6	1,398.2	1,281.3	800.6	439.7	28.1	-291.8	-711.0	-798.6	46.7%
All Firms	3,347.6	3,070.1	2,893.1	2,561.6	2,293.2	1,345.4	670.8	-152.6	-738.6	-1,546.7	-1,711.4	100.0%

**Units: Millions of Fixed Local 2024 Dollars. Impacts reported for private non-farm industries only. Totals and percentages may not correspond to impacts due to rounding.*

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