



## Foxx Vows Changes to Overtime Rule as Chair of House Committee

News  
9.21.16

The article, "Foxx Vows Changes to Overtime Rule as Chair of House Committee," featured on *SHRM*, discussed how unless the states can block the Department of Labor's (DOL) new overtime rule or the National Federation of Independent Business can get it delayed, the rule is less than three months away from taking effect on Dec. 1.

Steve Bernstein weighed in on the August 2015 NLRB decision (Browning-Ferris Industries (BFI) of California, 362 NLRB No. 186).

The decision already has had "a profound impact on staffing solutions," said Steve. Some employers using supplier employers such as temp agencies are revisiting their service agreements. If an agreement includes a provision saying the user employer may send an employee of the supplier employer home, but the user employer hasn't exercised that contractual provision, it may have appeared previously to be "empty language." But now, that language can be "seized upon as proof of joint employment," he said.

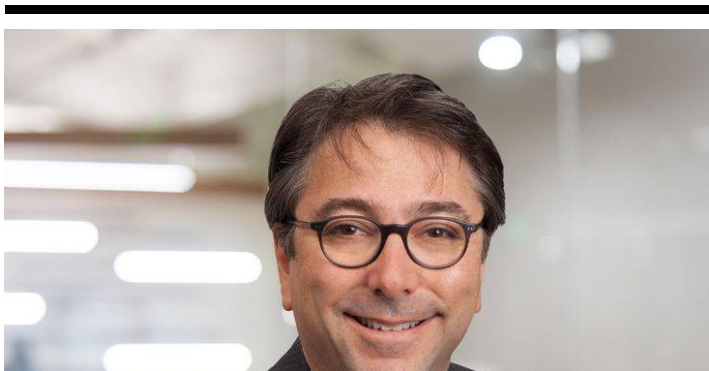
User employers may now require supplier employers to send workers home, which might mean the supplier employer has someone onsite to direct the supplier employer's employees, he remarked.

To read the full article, please visit [\*SHRM\*](#).

---

Please reach out to our [Media team](#) for any news inquiries.

### ***Related People***





**Steven M. Bernstein**  
Regional Managing Partner and Labor Relations Group Co-Chair  
813.769.7513  
Email