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December 18, 2023

Judy Conti  
Government Affairs Director  
National Employment Law Project  
1350 Connecticut Ave NW, Suite 1050  
Washington, DC 20036

Dear Ms. Conti:

Thank you again for testifying at the November 29 Workforce Protections Subcommittee hearing titled "Bad for Business: DOL's Proposed Overtime Rule."

Enclosed is an additional question submitted by a Subcommittee member following the hearing. Please provide a written response no later than January 10, 2024, for inclusion in the hearing record. Responses should be sent to Alexander Knorr ([Alexander.Knorr@mail.house.gov](mailto:Alexander.Knorr@mail.house.gov)) of the Committee staff; he can be contacted at (202) 225-7101.

We appreciate your contribution to the work of the Subcommittee.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Kiley".

Kevin Kiley  
Chairman  
Subcommittee on Workforce Protections

Enclosure

## **Question for the Record for Judy Conti**

### **Workforce Protections Subcommittee Hearing: “Bad for Business: DOL’s Proposed Overtime Rule” November 29, 2023 10:15 a.m.**

#### **Rep. James Comer (R-KY)**

1. Ms. Conti, I want to talk about the unique impact the proposed overtime rule would have on Medicaid-funded providers of services for people with intellectual and developmental disabilities. Medicaid-funded providers of home and community-based services for people with disabilities do not control the reimbursement rates for which their services are funded. Reimbursement rates are set by the state and in addition to Medicaid rates generally being low, these rates also generally remain unchanged for years. Accordingly, providers do not have the ability to adjust wages like other employers in private industries. In 2016, you may recall when the overtime rule was finalized a specific group of Medicaid disability providers was granted delayed enforcement of the rule given their unique circumstances. Would you agree that the Department of Labor should be addressing this unique issue of Medicaid providers again in their final rulemaking?