

Jessica Looman
Principal Deputy Administrator
Wage and Hour Division
Department of Labor
Room S-3502
200 Constitution Avenue, N.W.
Washington, DC 20210

Extension Request for Notice of Proposed Rulemaking, “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees” (RIN 1235-AA39)

Dear Principal Deputy Administrator Looman:

The Partnership to Protect Workplace Opportunity (PPWO) and the ___ undersigned organizations write to you to request a 60-day extension to the comment period on the agency’s above-referenced notice of proposed rulemaking in order to provide the regulated community with sufficient time to analyze and respond to the Wage and Hour Division’s (WHD) proposed changes to the overtime pay exemptions for executive, administrative, professional, outside sales, and computer employees.

PPWO is a coalition of a diverse group of associations, businesses, and other stakeholders representing employers with millions of employees across the country in almost every industry. Formed in 2014, the Partnership is dedicated to advocating for the interests of its members in the regulatory debate on changes to the Fair Labor Standards Act overtime regulations. PPWO’s members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, career advancement opportunities for employees, and clarity for employers when classifying employees.

The proposed rulemaking includes a nearly 55% increase in the minimum salary threshold and automatically updates the threshold every three years. These are significant changes that will have a massive impact on the economy and millions of current and future workers. Additional time is needed in the comment period to allow the regulated community to analyze the rulemaking, fully assess the potential impact the changes will have on the economy, business operations, and workers, and develop comprehensive comments.

In addition, Executive Order 12866 and federal case law support additional time to comment. EO 12866 states that the opportunity to comment “should include a comment period of not less than 60 days.” (emphasis added). Federal case law discusses that the public needs “a reasonable and meaningful” opportunity to comment. Given the magnitude of this rule, an additional sixty days is reasonable and will ensure WHD will receive meaningful information, such as more accurate and informative comments and better understand how the economy and workers will be impacted by the changes being considered.

PPWO and the undersigned organizations strongly urge WHD to extend the comment period by 60 days. Thank you for your consideration of this request.