## PARTNERSHIP TO PROTECT WORKPLACE OPPORTUNITY

September 25, 2023

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

RE: 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 107 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.

Sincerely,

AASA, The School Superintendents Association AICC, The Independent Packaging Association Air Conditioning Contractors of America American Association of Advertising Agencies (4A's) American Bakers Association American Bankers Association American Bus Association American Car Rental Association American Council of Engineering Companies American Council of Independent Laboratories American Council on Education American Foundry Society American Hotel & Lodging Association American Pipeline Contractors Association American Road & Transportation Builders Association American Society of Travel Advisors (ASTA) American Staffing Association American Supply Association AmericanHort Amusement & Music Operators Association Associated Builders and Contractors Associated Equipment Distributors Association of Educational Service Agencies Association of School Business Officials International (ASBO) **Construction Industry Round Table** Family Business Coalition FMI - The Food Industry Association Foodservice Equipment Distributors Association Global Cold Chain Alliance Heating, Air-conditioning, & Refrigeration Distributors International HR Policy Association IAAPA, the global association for the attractions industry IHRSA-The Health & Fitness Association Independent Community Bankers of America **Independent Electrical Contractors** Independent Insurance Agents & Brokers of America (Big "I")

International Bottled Water Association International Foodservice Distributors Association ISSA, The Worldwide Cleaning Industry Association Littler Mendelson Workplace Policy Institute Manufactured Housing Institute Manufacturers' Agents Association for the Foodservice Industry (MAFSI) MEMA, The Vehicle Suppliers Association National Apartment Association National Association for Pupil Transportation National Association of Chemical Distributors (NACD) National Association of College and University Business Officers National Association of College Stores National Association of Convenience Stores National Association of Home Builders National Association of Independent Colleges and Universities National Association of Manufacturers National Association of Mutual Insurance Companies National Association of Professional Insurance Agents (PIA) National Association of Theatre Owners National Association of Wholesaler-Distributors National Automobile Dealers Association National Beer Wholesalers Association National Club Association National Confectioners Association National Cotton Ginners Association National Council of Chain Restaurants National Council of Farmer Cooperatives National Demolition Association (NDA) National Federation of Independent Business National Funeral Directors Association National Grocers Association National Lumber & Building Material Dealers Association National Marine Distributors Association National Multifamily Housing Council National Newspaper Association National Ready Mixed Concrete Association National Restaurant Association National Retail Federation National Rural Education Advocacy Consortium National Rural Education Association National RV Dealers Association (RVDA) National Small Business Association (NSBA) National Stone, Sand & Gravel Association National Tooling and Machining Association National Utility Contractors Association

National Wooden Pallet & Container Association NATSO, Representing America's Travel Plazas and Truckstops Ohio Society of CPAs Outdoor Amusement Business Association Outdoor Power Equipment and Engine Service Association Pennsylvania Food Merchants Association Petroleum Equipment Institute (PEI) Portland Cement Association Power & Communication Contractors Association Precision Machined Products Association Precision Metalforming Association Public Sector HR Association (PSHRA) Retail Industry Leaders Association (RILA) Saturation Mailers Coalition SIGMA: America's Leading Fuel Marketers Small Business & Entrepreneurship Council Texas Cotton Ginners' Association Textile Care Allied Trades Association The Associated General Contractors of America The Transportation Alliance TRSA - The Linen, Uniform and Facility Services Association U.S. Chamber of Commerce Virginia Small Business Partnership WASDA - Water & Sewer Distributors of America Window & Door Manufacturers Association Workplace Solutions Association