



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