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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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July 24, 2015

The Honorable Thomas E. Perez
Secretary
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: RIN 1235-AA11; Docket No. WHD-2015-0001; Notice of Proposed Rulemaking on Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

Dear Secretary Perez:

We are writing to request that the public comment period for the U.S. Department of Labor's (DOL) July 6, 2015, Notice of Proposed Rulemaking (NPRM) on overtime pay be extended for at least an additional 60 days to allow a reasonable opportunity to review the proposal and thoughtfully respond.

DOL's proposal is nearly three times as long as the agency's 2003 proposal (68 FR 15560), but the agency has granted a significantly shorter comment period for the current proposal. The current NPRM spans nearly 100 pages in the *Federal Register*, and carries a 60-day comment period, which is far shorter than the 90-day comment period granted by DOL for its mere 37-page proposal in 2003.

Among the proposed changes, DOL aims to more than double the current salary threshold under the Fair Labor Standards Act's (FLSA) overtime exemption for administrative, executive, and professional employees. DOL also proposes to update this threshold level annually on the basis of a metric the agency has yet to determine.

As written, DOL's proposal would substantially increase the number of workers who qualify for overtime pay, which presents complex questions that must be carefully considered by impacted individuals and entities across numerous industries, which are vital to our economy. For employers – many of which are small businesses – the process of reviewing the NPRM, weighing its potential administrative burdens, business implications, and compliance concerns, and submitting feedback in writing will be incredibly time consuming. The current 60-day comment period is simply inadequate to properly evaluate DOL's proposal and complete these important steps.

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In order to ensure a thorough public record with all relevant feedback and accurate data, more time is needed. Therefore, we encourage the Department to allow full public participation in the rulemaking process by extending the comment period for its NPRM by a minimum of 60 days.

We appreciate your prompt attention to this request, and look forward to staying apprised of further developments.

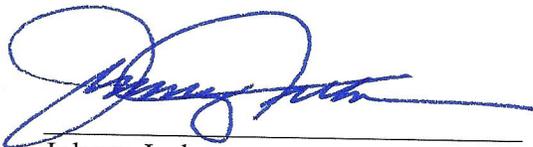
Sincerely,



Lamar Alexander
Chairman
Senate Committee on Health, Education,
Labor, and Pensions



Mike Enzi
Chairman
Senate Subcommittee on Children
& Families



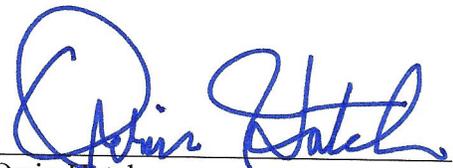
Johnny Isakson
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Bill Cassidy, M.D.
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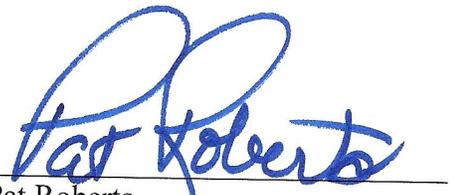
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