



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