

PATRICK J. HARKINS, MEMBER
1ST LEGISLATIVE DISTRICT

202 IRVIS OFFICE BUILDING
P.O. BOX 202001
HARRISBURG, PENNSYLVANIA 17120-2001
PHONE: (717) 787-7406
FAX: (717) 780-4775

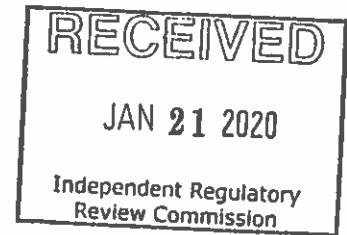
460 EAST 26TH STREET
ERIE, PENNSYLVANIA 16504
PHONE (814) 459-1949
FAX: (814) 871-4854

3202



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES
LABOR, DEMOCRATIC CHAIRMAN



January 17, 2020

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Dissent to the Disapproval of Final Rulemaking – Minimum Wage Act #12-106 (IRRC # 3202)

Dear Commissioners:

On Monday, January 13, 2020, the House Labor and Industry Committee voted 15-10 to disapprove the final rulemaking put forth by the Department of Labor and Industry (DLI) regarding the executive, administrative, and professional (EAP) exemptions from state minimum wage and overtime requirements pursuant to the Pennsylvania Minimum Wage Act of 1968. The letter submitted on January 13, 2020, does not reflect our position on the rulemaking. Therefore, on behalf of the 10 dissenting members of the House Labor and Industry Committee and in response to the disapproval of the final rulemaking package, I submit the following:

As you know, this is the second time the House Labor and Industry Committee has voted to disapprove of DLI's rulemaking. In a letter dated November 1, 2019, 15 members of the committee explained the reasoning behind their vote to disapprove. On November 13, 2019, I submitted a letter on behalf of the 10 dissenting members of the committee explaining our position and addressing the November 1 disapproval letter.

DLI withdrew the final-form rulemaking package after the Senate passed SB 79 (Tartaglione), a compromise bill that would have raised the minimum wage and invalidated portions of the rulemaking. The House Labor and Industry Committee never called SB 79 up for a vote. Following this inaction, DLI resubmitted the final rulemaking. As such, our position and the arguments laid out in my original letter have not changed.

The Wolf Administration is intent upon restoring the wages and worker protections that have eroded due to decades of insufficient action. The Senate worked together, in an overwhelmingly bipartisan fashion, and reached consensus on an alternate path towards helping hard-working Pennsylvanians. It was a compromise, neither side got everything that they wanted, but they

found middle ground. I say this as someone who was also not privy to discussions between the Wolf Administration and leadership in the General Assembly.

I respectfully disagree with the assertion in the disapproval letter that the administration attempted to “coerce” the General Assembly into passing legislation to increase the minimum wage. Negotiation and compromise are not coercion. They are legitimate and necessary components of a democracy, and part of the job description of every elected leader in this commonwealth. To assert otherwise is concerning.

Regardless of any proposed compromise, I remain firmly in support of DLI’s rulemaking. Raising the salary threshold will help Pennsylvania’s workers. As I stated in my remarks before the House Labor and Industry Committee, many Pennsylvanians are working additional hours for free. That is time they could spend pursuing a degree, volunteering at a homeless shelter, or working on a new business idea. It is time that could be spent with their families—going to their kid’s swim meets or baseball practices or helping their kids with homework. These are moments that hard-working Pennsylvanians cannot get back and I believe they should be properly compensated for that.

In closing, I thank you for this opportunity to offer our comments on the final rulemaking and dissent from the House Labor and Industry Committee’s disapproval action. For the reasons stated here and in my previous letter, I respectfully urge the Commission to approve the final rulemaking.

Please take this letter into account during the Commission’s consideration of this rule on January 31.

Sincerely,



Patrick J. Harkins, Democratic Chairman
Labor and Industry Committee
Pennsylvania House of Representatives

Cc: The Honorable W. Gerard Oleksiak, Secretary of the Department of Labor and Industry
The Honorable Frank Dermody, Democratic Leader
The Honorable Jim Cox, Republican Chairman, House Labor and Industry Committee