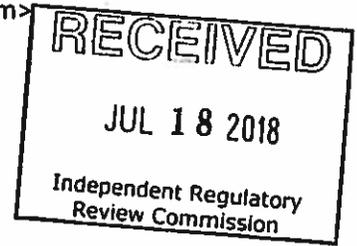


320

Forum Letter C-35. - 40

**Kathy Cooper**

**From:** Rebecca Costello <Rebecca.Costello.1432870@muster.com>  
**Sent:** Wednesday, July 18, 2018 9:43 AM  
**To:** IRRC  
**Subject:** Regulation #12-106 Overtime eligibility rules



Dear Independent Regulatory Review Commission,

Thank you for the opportunity to comment on proposed regulations submitted by the Pennsylvania Department of Labor and Industry (L&I). These regulations are intended to update the rules that determine if an employee is required to be paid overtime.

Though this proposed regulation may be well-intended I am deeply concerned with the negative impacts on employers and many of the very employees whom the proposal is supposed to help.

L&I proposes to more than double the wage requirement to qualify for exempt status. This dramatic increase will force many employers to convert salaried employees to hourly status, which usually entails a far more rigid work schedule with less flexibility, burdensome record-keeping, fewer training opportunities and benefits. Hourly workers required to clock in and clock also risk less take-home pay if hours worked in a week dip below 40.

L&I also proposes changes to the so-called "duties test" which is used in conjunction with the salary threshold to determine exempt status. In the proposed regulation, L&I expressed a desire to align Pennsylvania's "duties test" with federal regulations. This would be a welcome change; unfortunately, the proposed rule falls short of the expressed goal.

The U.S. Department of Labor proposed a very similar regulation in 2015 and employers applauded the ruling to strike down the proposal by U.S. District Judge Amos Mazzant, who was nominated by President Obama to serve the Eastern District of Texas.

The current U.S. Department of Labor is expected to propose a new rule and Pennsylvania should hold off pursuing its own overtime update at least until the new federal rule is proposed.

Thank you for considering my views on this important matter.

Sincerely,

Rebecca Costello  
309 Wilson Avenue  
Hanover, PA 17331  
7176331117

3202

**Kathy Cooper**

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**From:** John Trone <John.Trone.1432866@muster.com>  
**Sent:** Wednesday, July 18, 2018 9:04 AM  
**To:** IRRC  
**Subject:** Regulation #12-106 Overtime eligibility rules



Dear Independent Regulatory Review Commission,

Thank you for the opportunity to comment on proposed regulations submitted by the Pennsylvania Department of Labor and Industry (L&I). These regulations are intended to update the rules that determine if an employee is required to be paid overtime.

Though this proposed regulation may be well-intended I am deeply concerned with the negative impacts on employers and many of the very employees whom the proposal is supposed to help.

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The U.S. Department of Labor proposed a very similar regulation in 2015 and employers applauded the ruling to strike down the proposal by U.S. District Judge Amos Mazzant, who was nominated by President Obama to serve the Eastern District of Texas.

The current U.S. Department of Labor is expected to propose a new rule and Pennsylvania should hold off pursuing its own overtime update at least until the new federal rule is proposed.

Thank you for considering my views on this important matter.

Sincerely,

John Trone  
1345 Abbottstown Pike  
Hanover, PA 17331  
7176376603

3202

**Kathy Cooper**

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**From:** Teresa Seamans <Teresa.Seamans.1432864@muster.com>  
**Sent:** Wednesday, July 18, 2018 8:43 AM  
**To:** IRRC  
**Subject:** Regulation #12-106 Overtime eligibility rules



Dear Independent Regulatory Review Commission,

Thank you for the opportunity to comment on proposed regulations submitted by the Pennsylvania Department of Labor and Industry (L&I). These regulations are intended to update the rules that determine if an employee is required to be paid overtime.

Though this proposed regulation may be well-intended I am deeply concerned with the negative impacts on employers and many of the very employees whom the proposal is supposed to help.

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The U.S. Department of Labor proposed a very similar regulation in 2015 and employers applauded the ruling to strike down the proposal by U.S. District Judge Amos Mazzant, who was nominated by President Obama to serve the Eastern District of Texas.

The current U.S. Department of Labor is expected to propose a new rule and Pennsylvania should hold off pursuing its own overtime update at least until the new federal rule is proposed.

Thank you for considering my views on this important matter.

Sincerely,

Teresa Seamans  
126 Carlisle Street  
Hanover, PA 17331  
7176320042

3202

**Kathy Cooper**

**From:** Ward McMasters, P.E. <Ward.McMastersP.E.1432843@muster.com>  
**Sent:** Tuesday, July 17, 2018 4:40 PM  
**To:** IRRC  
**Subject:** Regulation #12-106 Overtime eligibility rules



Dear Independent Regulatory Review Commission,

Thank you for the opportunity to comment on proposed regulations submitted by the Pennsylvania Department of Labor and Industry (L&I). These regulations are intended to update the rules that determine if an employee is required to be paid overtime.

Though this proposed regulation may be well-intended I am deeply concerned with the negative impacts on employers and many of the very employees whom the proposal is supposed to help.

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The U.S. Department of Labor proposed a very similar regulation in 2015 and employers applauded the ruling to strike down the proposal by U.S. District Judge Amos Mazzant, who was nominated by President Obama to serve the Eastern District of Texas. The Federal Court found that the DOL exceeded it's delegated authority and ignored Congress's intent by raising the minimum salary level such that it supplants the duties test. The Federal Court concluded that the Final Rule did not comport with Congress's intent and therefore was unlawful.

The current U.S. Department of Labor is expected to propose a new rule and Pennsylvania should hold off pursuing its own overtime update at least until the new federal rule is proposed. One of the primary reasons that the Final Rule was found unlawful in 2015 was the lack of basis for the monetary standard and a complete lack of required research and review of the impact across varying economic regions. Pennsylvania also has very widely varying economic regions and the impact of such a rule in varying areas of the state have not been evaluated or properly defined.

Thank you for considering my views on this important matter as I fear the impact to my business and the many employees and their families who rely on the firm would be extremely damaging.

Sincerely,

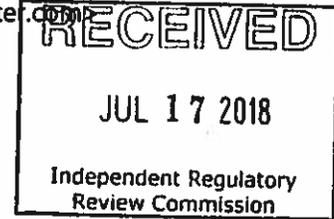
Ward McMasters, P.E.  
115 W Germantown Pike, Suite 200, East Norriton, PA  
Norristown, PA 19401

3202-0

**Kathy Cooper**

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**From:** Maureen Hornlein <Maureen.Hornlein.1432842@mustel.com>  
**Sent:** Tuesday, July 17, 2018 4:17 PM  
**To:** IRRC  
**Subject:** Regulation #12-106 Overtime eligibility rules



Dear Independent Regulatory Review Commission,

Thank you for the opportunity to comment on proposed regulations submitted by the Pennsylvania Department of Labor and Industry (L&I). These regulations are intended to update the rules that determine if an employee is required to be paid overtime.

Though this proposed regulation may be well-intended I am deeply concerned with the negative impacts on employers and many of the very employees whom the proposal is supposed to help.

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The U.S. Department of Labor proposed a very similar regulation in 2015 and employers applauded the ruling to strike down the proposal by U.S. District Judge Amos Mazzant, who was nominated by President Obama to serve the Eastern District of Texas.

The current U.S. Department of Labor is expected to propose a new rule and Pennsylvania should hold off pursuing its own overtime update at least until the new federal rule is proposed.

Thank you for considering my views on this important matter.

Sincerely,

Maureen Hornlein  
100 Baltimore Drive  
Wilkes Barre, PA 18702  
5702701217

3202

**Kathy Cooper**

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**From:** WILLIAM ZUBER <WILLIAM.ZUBER.1432878@muster.com>  
**Sent:** Wednesday, July 18, 2018 11:21 AM  
**To:** IRRC  
**Subject:** Regulation #12-106 Overtime eligibility rules



Dear Independent Regulatory Review Commission,

Thank you for the opportunity to comment on proposed regulations submitted by the Pennsylvania Department of Labor and Industry (L&I). These regulations are intended to update the rules that determine if an employee is required to be paid overtime.

Though this proposed regulation may be well-intended I am deeply concerned with the negative impacts on employers and many of the very employees whom the proposal is supposed to help.

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The U.S. Department of Labor proposed a very similar regulation in 2015 and employers applauded the ruling to strike down the proposal by U.S. District Judge Amos Mazzant, who was nominated by President Obama to serve the Eastern District of Texas.

The current U.S. Department of Labor is expected to propose a new rule and Pennsylvania should hold off pursuing its own overtime update at least until the new federal rule is proposed.

Thank you for considering my views on this important matter.

Sincerely,

WILLIAM ZUBER  
2019 East Third Street  
Williamsport, PA 17701  
5703261501