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To: Bryan Smolock (bsmolock@pa.gov)  
Jennifer Buchanan Rapach (jrapach@pa.gov)  
Pennsylvania Department of Labor & Industry



Fr: Harrington Kershner  
271 Arlyne Avenue  
Montoursville, PA 17754

Date: August 17, 2018

Re: Proposed Changes to Pennsylvania's Overtime Regulations

Dear Mr. Smolock and Ms. Rapach:

I write in support of the proposal to change the Pennsylvania Minimum Wage Act regulations so that companies will be required to pay salaried employees at least \$47,892/year if they want to classify the employees as overtime-exempt administrators or executives.

As discussed below, I support this change based on my personal experience as a salaried employee who was denied overtime pay:

For over 15 years, I have worked as both an hourly and a salaried employee in various retail stores in Central Pennsylvania. These stores have ranged from small gift shops in shopping malls (e.g. Hat World) to mid-sized electronics stores (e.g. Circuit City) to large "box stores" (e.g. Lowes).

As a long-time retail employee, I have seen first-hand how most stores operate. The stores usually pay a few employees a low salary (usually in the high-\$20,000-range or the mid-\$30,000-range) and classify them as "exempt" from overtime pay. Then, since these salaried employees are not eligible for overtime pay, the stores require them to work many overtime hours "for free." Meanwhile, the stores' hourly employees usually are not allowed to work any overtime. This makes sense from the stores' perspective. "Why pay overtime to the hourly employees when you can make the salaried employees work the overtime hours free of charge?"

The salaried employees usually are given "manager" job titles. I know because I have been one. But these "managers" spend almost all of their time waiting on customers and doing the same work as the hourly employees. While the salaried employees might have some management duties (e.g. making a weekly schedule), these management duties do not take much time to complete. So, during a normal workday, the salaried employees and the hourly employees basically perform the same work. This work includes waiting on customers, working on inventory, cleaning the store, and checking-out customers.

I feel the above system is unfair to the salaried employees. If a store wants to treat a salaried employee as a "manager" for overtime pay purposes, it should at least be required to pay a fair salary that is consistent with the "manager" job title. Working long and unpredictable hours would not be so unfair if the salary was higher.

Thank you for considering my comments.

Date: 8/17/2018 1:36:41 PM PDT

Sincerely,  
DocuSigned by:  
Harrington Kershner  
91AG77ED1018464  
Harrington Kershner