

3202

Kathy Cooper

From: Smolock, Bryan <bsmolock@pa.gov>
Sent: Wednesday, August 22, 2018 5:49 PM
To: Kathy Cooper; IRRRC
Cc: Rapach, Jennifer Buchanan; Schramm, Robert (LI-OCC); Lengel, Michelle
Subject: Fwd: Comments on the Department of Labor and Industry's Proposed Rulemaking for 34 PA Code, Chapter 231 Re: Overtime Pay; Minimum Wage #12-106 (IRRC number 3202)



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From: Powers, Rebecca R. <powersr@chc.edu>
Sent: Wednesday, August 22, 2018 5:00 PM
To: Smolock, Bryan
Subject: Comments on the Department of Labor and Industry's Proposed Rulemaking for 34 PA Code, Chapter 231 Re: Overtime Pay; Minimum Wage #12-106 (IRRC number 3202)

Dear Mr. Smolock:

On behalf of Chestnut Hill College, I am writing to thank you for the opportunity to comment on the proposed Pennsylvania Department of Labor's (L&I) regulatory amendments to 34 Pa. Code Chapter 231 regarding Overtime Pay, IRRC #3202.

Founded in 1924, Chestnut Hill College is a small, Catholic liberal arts college located in northwestern Philadelphia. True to the ideals of its founders, the Sisters of Saint Joseph, the College is a strong proponent of social and economic justice and fully supports reasonable salary increases for all employees.

At Chestnut Hill College, each employee is a valuable asset. The College strives to maintain comprehensive benefit and compensation programs to attract and retain talent. For example, the College offers a benefits program that provides individual choice and flexibility in managing health and welfare benefits, which recognizes the diverse needs of the employee population. The College also recently announced a voluntarily wage increase.

While Chestnut Hill acknowledges that investment in human capital is critical to support students and the institution, we are concerned that that these regulations differ substantially in several key areas from those advanced by the U.S. Department of Labor and excludes provisions incorporated under the Department of Labor and Industry's Final Rule in May 2016. In particular, Chestnut Hill is concerned about the rule's potential impact on athletic coaches and similar staff, which the College would be forced to convert to non-exempt.

Work and travel schedules vary greatly for these areas. Flexible work schedules currently are offered to these staff members. Under the proposed rule, the College would convert these employees to hourly workers. While these employees would receive overtime compensation, there may be weeks in which they would receive a lower paycheck, having worked less than 35 hours. Hiring for these positions likely also would be impacted, as the institution has found that salaried positions are more likely to attract qualified candidates.

If the proposed regulations are passed, Chestnut Hill College will face two costs due to the rule, the increased labor cost of overtime workers and the administrative cost of compliance. I strongly urge L&I to consider these comments and help to avoid unintended consequences to institutions of higher education and the students we support. As it is our understanding that the U.S. Department of Labor will be updating its overtime regulations in the near future, Chestnut Hill College strongly encourages L&I to delay any changes to the Commonwealth's regulations regarding overtime until this time. This will ensure that the Commonwealth's regulations are in harmony with the federal government's and thus minimize the cost of administrative compliance.

Again, thank you for the opportunity to comment on the proposed regulations. If you have any questions, please contact me at 215-753-3664 or powersr@chc.edu or Christina Abbott, General Counsel and Chief of Staff, at 215-248-7026 or abbottc@chc.edu.

Yours sincerely,
Rebecca R. Powers
Director of Corporate, Foundation, & Government Relations

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